Government Document. Klamath Indian Reservation 1900

C. Hart Merriam
Papers
BANC MSS
80/18 c

Klamath Indian Reservation 1900

House Doc.No.156, 56th Congress, 2d Session.

C. Hart Merriam
MERRIAM FUND

56TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. } DOCUMENT No. 156.

KLAMATH INDIAN RESERVATION.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A COPY OF A COMMUNICATION FROM THE COMMISSIONER OF INDIAN AFFAIRS, TOGETHER WITH COPIES OF AGREEMENTS WITH THE KLAMATH INDIANS FOR RELINQUISHMENT OF PART OF THEIR RESERVATION, AND A DRAFT OF A BILL.

DECEMBER 8, 1900.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 8, 1900.

SIR: I have the honor to transmit herewith copy of a communication of the 24th ultimo from the Commissioner of Indian Affairs, together with copies of agreements made by Indian Inspectors McConnell and McLaughlin with the Klamath Indians for the relinquishment of all their rights and interest in and to any part of their reservation in the State of Oregon, as provided by the Indian appropriation act approved July 1, 1898 (30 Stat. L., 571).

On January 2, 1899, Inspector McConnell submitted an agreement concluded by him December 28, 1898, with said Indians. This agreement, the Commissioner states, was not satisfactory in some respects, being at variance with the findings of the boundary commission appointed under the authority ef the Indian appropriation act of June 10, 1896, whose report may be found in Senate Executive Document No. 93, Fifty-fourth Congress, second session.

In view of the apparent difference of opinion as to the value of the lands (621,824.28 acres) excluded from the treaty reservation of the Klamath Indians, by erroneous survey, the Department deemed it advisable to instruct Inspector McLaughlin to proceed to the Klamath country for the purpose—

First, of determining, after thorough investigation, whether the price fixed by the boundary commission is a fair and reasonable one, in view of all the circumstances, and equitable to the Indians and not unjust to the Government.

Second, to endeavor to negotiate an agreement with the Indians which would contain such provisions as to the amount and terms of

payment to be made as he is willing to indorse and recommend, and which can be submitted to Congress with the full indorsement and hearty recommendation of the Indian Office and the Department.

An agreement was concluded with the Klamath Indians by Inspector McLaughlin on the 24th of October, 1900, which is satisfactory to the Department, and I transmit herewith draft of a bill to ratify the same, with request for early and favorable consideration.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 24, 1900.

SIR: This office is in receipt, by Department reference for early consideration, report, and recommendation, of the report of Inspector James McLaughlin, dated October 29, 1900, transmitting an agreement entered into by him, on the part of the United States, with the Indians of the Klamath Agency, Oreg.

The Indian appropriation act of June 10, 1896 (29 Stat. L., 331), authorized the President to appoint a commission of three persons—

> To visit and thoroughly investigate and determine as to the correct location of the boundary lines of the Klamath Indian Reservation in the State of Oregon, the location of said boundary lines to be according to the terms of the treaties heretofore made with said Indians establishing said reservation; and when the correct location of said treaty boundaries of said reservation shall have been so ascertained and determined said commission shall ascertain and determine, as nearly as practicable, the number of acres, if any, of the land, the character thereof, and also the value thereof in a state of nature, that have been excluded from said treaty reservation by the erroneous survey of its outboundaries, as now existing and as shown and reported to have been made in reports of the Commissioner of Indian Affairs and of the Commissioner of the General Land Office, submitted to the Senate by the Secretary of the Interior, and as set out in Senate Executive Documents numbered one hundred and twenty-nine, Fifty-third Congress, second session, and numbered sixty-two, Fifty-third Congress, third session.
>
> And said commission shall make report of the facts ascertained and of their conclusions and recommendations upon the matters hereby committed to them to the Secretary of the Interior, who is hereby directed to report the facts found and reported by said commission and their conclusions and recommendations in the matter, together with his recommendations thereon, to the next regular session of Congress for its action.

The contention regarding the location of the boundary lines of the Klamath Reservation and the erroneous survey thereof is fully set out in the documents above referred to.

Under the foregoing legislation Messrs. W. P. Coleman, R. P. Hammond, and I. D. Applegate were appointed commissioners.

They found the area of the lands excluded from the reservation by the erroneous survey to be 67,490 acres, value of the same being $533,270.

Their report, dated December 18, 1896, was submitted to the Senate by the Secretary of the Interior, January 26, 1897, accompanied by the draft of an item prepared in this office to be inserted in the Indian appropriation bill appropriating said sum for payment to the Indians of the Klamath Reservation in the manner therein indicated,

said payment to be in full of all claims and demands of said Indians growing out of the said erroneous survey.

The Secretary recommended that the matter receive early and favorable recommendation by the Congress.

The report and accompanying papers may be found in Senate Executive Document No. 93, Fifty-fourth Congress, second session.

At the second session of the Fifty-fifth Congress the following appropriation and provisions were inserted in the Indian appropriation act approved July 1, 1898 (30 Stat. L., 571):

> For resurvey of the exterior boundaries of the Klamath Reservation (so called), in the State of Oregon, in accordance with the provisions of the first article of the treaty made and concluded with the said Klamath and other Indians October fourteenth, eighteen hundred and sixty-four, and proclaimed February seventeenth, eighteen hundred and seventy, ten thousand dollars, or so much thereof as may be necessary, such survey to be made under the direction of the Secretary of the Interior and in such way as he may determine.
>
> To enable the Secretary of the Interior, who is hereby authorized and directed to negotiate through an Indian inspector with said Klamath Indians for the relinquishment of all their right and interest in and to any part of said reservation, and also to negotiate with them as respects any and all matters growing out of their occupation of said reservation under said treaty, and the Secretary of the Interior shall also ascertain what portion of the reservation is occupied by citizens of the United States, and for what purpose and under what title; and to pay the necessary expenses incident to such negotiations and examination, two thousand dollars, or so much thereof as may be necessary, any agreement made hereunder to be submitted to Congress for its approval.

July 15, 1898, this office recommended that the Commissioner of the General Land Office be instructed to cause the boundary lines of the Klamath Reservation to be surveyed in accordance with the provisions of the treaty of October 14, 1864, as ascertained by the commission appointed under the act of June 10, 1896.

October 8, 1898, instructions for the guidance of Inspector W. J. McConnell, who had been selected by the Secretary to carry out the provisions of the second paragraph of the act of July 1, 1898, above quoted, were prepared and submitted for the approval of the Department.

January 2, 1899, Inspector McConnell submitted his report, accompanied by an agreement concluded by him December 28, 1898, with the Indians of the Klamath Reservation, which report, with the agreement, was transmitted to this office for report and recommendation January 18, 1899.

By article 1 of said agreement said Indians ceded, sold, relinquished, and conveyed to the United States all their claim, right, title, and interest in and to all that part of the Klamath Reservation between the boundaries as described in the treaty of October 14, 1864, and confirmed by the Klamath boundary commissioners in their report of December 18, 1896, and the reservation line as established by the survey made in 1871, under the authority of the General Land Office, it being understood that the portion of the reservation thus ceded approximated 617,490 acres. The number of acres so ceded, however, to be finally determined by the resurvey of the exterior boundaries, as provided in the act of July 1, 1898.

By article 2 the United States, in consideration of said cession, agreed to pay said Indians the sum of $533,270, or the sum of 86.36 cents per acre for the quantity of land as finally determined by the survey.

By the third article it was stipulated that said amount of $533,270, more or less, after the payment of the legal fees of attorneys, and until

Congress further provided, be deposited in the Treasury of the United States to the credit of the said Indians and draw interest at the rate of 5 per cent per annum, said interest to be paid to the Indians annually per capita.

It was further agreed that the above sum, or the amount remaining after the payment of attorneys' fees, should remain in the Treasury as before provided until such time as the Klamath Indians should, by petition through the United States Indian agent and the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have such sums paid to them per capita from time to time as their needs might require.

By the fourth article it was provided that the lands ceded, retained, and those allotted should be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the allottees, whether under the care of the Indian agent or not, should be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

The fifth article provided that so long as the United States maintained an Indian boarding school on the Klamath Reservation, the attendance and control of the pupils should be governed by the regulations of the Indian Office.

The sixth article continued the existing provisions of all treaties not inconsistent with the agreement.

The seventh article provided that it should not take effect until ratified by Congress.

In submitting the agreement Inspector McConnell stated that only 62,361 acres of the land excluded from the reservation by the erroneous survey had been entered, of which the Oregon Central Military Wagon Road Company had filed upon 31,000 acres, and the State of Oregon upon 24,281 acres, leaving 7,080 acres that had been taken up by settlers, leaving a balance of 555,129 acres of the excluded land then unoccupied. He stated that it was fair to presume that the unoccupied land was of but little value, if not practically worthless, having been allowed to remain unentered for twenty-five years, and that there was no apparent reason why the Indians should not be allowed to retain the unoccupied or unclaimed lands, and payment made to them for the 62,361 acres that had been transferred to settlers and other claimants. He stated that if Congress desired to purchase from the Indians all the lands excluded by the erroneous survey the sum to be paid them should not exceed $250,000, and if they were to receive $533,270, it should be understood by them that the amount in excess of $250,000 was a gift on the part of the Government, to be expended for their benefit under the direction of the Secretary of the Interior.

He related the result of the councils with the Indians and his failure to induce them to consent to any agreement which would permit the Government to buy anything for them, or make any improvements with their money, they being only willing to enter into an agreement under which all money would be deposited to their credit.

Notwithstanding his views he concluded the agreement hereinbefore set forth.

This agreement not being in some respects satisfactory to this office, and Inspector McConnell's report being at variance with the findings of the Boundary Commission, and such action having also been requested by the attorneys for the Indians, this office under date of

May 15, 1899, recommended that Inspector James McLaughlin, who had had a long experience with various Indian tribes, and who had been eminently successful in negotiating with them, be instructed to visit the reservation with the purpose, "first, of determining, after a thorough investigation, whether the price fixed by the Boundary Commission is a fair and reasonable one, in view of all the circumstances, and equitable to the Indians and not unjust to the Government; and, second, to endeavor to negotiate an agreement with the Indians which will contain such provisions as to the amount and terms of the payment to be made as he is willing to indorse and recommend, under the instructions to be given him, and which can be submitted to Congress with the full indorsement and hearty recommendation of this office and the Department."

May 7, 1900, the Commissioner of the General Land Office advised this office that he had accepted the surveys of the boundary lines of the Klamath Reservation and transmitted 39 township plats, 1 large map with photolithographic copy, and duplicate transcript of field notes. This survey shows that 621,824.28 acres were excluded from the treaty reservation of the Klamath Indians by the erroneous survey.

June 13, 1900, you advised this office that, in view of the apparent difference of opinion as to the value of the lands, you had reached the conclusion that further negotiations with the Indians were advisable, and that you had instructed Inspector McLaughlin to proceed to the Klamath country for the purpose.

The agreement submitted by Inspector McLaughlin was made and entered into on the 24th day of October, 1900. By the first article the Indians cede, surrender, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty of October 14, 1864, as confirmed by the Klamath Boundary Commission, and the reservation boundary lines, as established by the survey made in 1871, under authority of the General Land Office, said tract so ceded and relinquished comprising 621,824 acres.

By article 2, in consideration of the lands ceded, the United States stipulates and agrees to pay to and expend for said Indians, in the manner thereinafter provided, the sum of $537,007.20, being at the rate of 86.36 cents per acre. (The exact amount, according to the survey, is $537,007.35.)

By article 3 it is agreed that of the amount to be paid to the Indians, as stipulated in article 2, the sum of $25,000 shall be paid in cash, pro rata, share and share alike, to each man, woman, and child belonging to the said Klamath and other tribes under the jurisdiction of the Klamath Agency, within 150 days from and after the date of the ratification of the agreement, and the sum of $350,000 shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of $537,007.20, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians under the direction of the Secretary of the Interior, upon requisition of the Indians, through the United States Indian agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians, and for such other purposes as may in his opinion best promote their welfare; provided, that

beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle and other articles contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision; and provided further, that in addition to the interest on the fund deposited in the United States Treasury the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed 10 per cent per annum of the principal fund, upon a majority of the male adult Indians of Klamath Agency petitioning for the same, through the Commissioner of Indian Affairs.

By article 4 it is understood that nothing in the agreement shall be construed to deprive the said Klamath and other Indians of any benefits to which they are entitled under existing treaties, not inconsistent with the provisions of this agreement.

Article 5 provides that it shall take effect and be in force when signed by Indian Inspector McLaughlin and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by Congress.

The agreement is signed by 200 male adult Indians of the Klamath Agency. Agent Applegate certifies that the total number of male adult Indians over 18 years of age belonging to the Klamath Agency is 296.

Joseph Kirk, Rev. Jesse Kirk, William Crawford, Robert Wilson, who sign their own names, and Harrison Brown, who signs by mark, members of the Klamath and Modoc tribe and Yahooskin band of Snake Indians, and constitute a committee duly appointed by their people to negotiate with Inspector McLaughlin, certify that the agreement dated October 24, 1900, was fully understood by them, and also by the Indians who signed the same, and that the signatures of the Indians to said agreement were of their own free will and without due influence or promise of future reward.

In his report Inspector McLaughlin states that upon his arrival at the Klamath Agency on October 8, 1900, he immediately proceeded to obtain information regarding the character of the country, nature of the soil, and quality of the timber within the tract involved, and that from the 8th to the 20th of that month he was engaged in the work, during which twelve days he traveled, including his trips over the reservation to outlying points of the adjoining lands in question, a distance of about 260 miles; that commencing at a point on the boundary line about a mile north of the bridge across Wood River at Fort Klamath, he proceeded as nearly as practicable along said boundary line to the summit of the ridge which divides the upper and middle Klamath lakes, as referred to in the treaty of 1864, traveling over said ridge a considerable distance, from which elevation he had an extensive view of the adjacent foothills and mountain slopes, all of which he found to be heavily timbered, yellow pine predominating, with considerable sugar pine, red cedar, and some fir interspersed; that yellow pine is the chief timber of the heavy forests throughout that section of country, producing an excellent quality of lumber for all ordinary purposes, and the sugar pine, so called, is a species of white pine, possessing a high market value for finishing material, being

much preferable to yellow pine for the finer kinds of work, while the red cedar furnishes excellent timber for shingles, fence posts, etc.: that the ridge which forms the western boundary of the treaty reservation is a spur of the eastern range of the Cascade Mountains, and its eastern slope for a distance of about 40 miles is within the excluded area and is well covered with good merchantable timber of the varieties above mentioned, also numerous plateaus through the level and sterile portions of the excluded tract contain groves of good, fine timber; that there is a heavily timbered belt of not less than 6 miles in width and 40 miles in length within the excluded tract, along the eastern slope and foothills of the mountain ridge which forms the western boundary of the treaty reservation, in which belt there are many million feet of excellent pine timber, which will become very valuable as soon as certain projected lines of railroad are constructed by which the timber can be profitably converted into lumber and marketed; that from the foothills of the excluded range, the ridge of which forms the western boundary of the excluded lands, the country for a considerable distance east is of inferior quality, no merchantable timber growing upon it, but that there is a dense growth of small, black pine throughout the greater portion of the tract that range in size from small saplings to trees 14 inches in diameter, which species of scrub pine is of little value other than for fence poles or fuel; that this character of country, which is of little value, embraces a tract of the excluded area approximating 40,000 acres; that the whole of Sugar Pine Mountain is heavily timbered with an excellent quality of sugar pine, yellow pine, and red cedar, there being in the said sterile black pine tracts several small plateaus of good yellow pine, with an occasional patch of grass land, which latter affords limited grazing; that the soil throughout the excluded portion which lies east of Klamath marsh is of a different character to that on the west side of the marsh, there being no pumice east of the marsh, and the soil of a much better quality, but there are several tracts of sterile lands along the base of Winter Ridge, the eastern border of Sycan marsh, and in the southeast portion of the excluded lands, which are very rocky, being thickly covered with lava rock and upon which there is no vegetation except a few juniper trees of stunted growth, which character of land, aggregating approximately 25,000 acres in the excluded portion, is practically worthless; that the Sycan meadow and Thompson valley, which extends north from said marsh together with extensive meadows and arable lands in the upper Sprague River district, aggregating approximately 20,000 acres, are especially fertile and very productive, and Yamsay Mountain, a large portion of which is situated within the excluded area, is well timbered, as is also the eastern slope of Winter Ridge, which forms the eastern boundary of the excluded lands; and that from Mount Frances, which is the northeastern corner of the treaty reservation, along Winter Ridge to Gerhart Mountain, where the said ridge terminates abruptly, a distance of about 45 miles, there is a pine-timber belt averaging about 7 miles in width which extends along the entire distance.

He estimates the merchantable pine timber in the excluded portion of the Klamath Reservation along the Cascade Range on the west, Sugar Pine Mountain on the north, Yamsay Mountain in the northeast, and Winter Ridge on the east, together with the numerous small plateaus of good pine throughout the inferior and black-pine portions, at 350,000 acres.

He quotes from different authorities to show that this timber, while now of little value owing to its inaccessibility, will become valuable in the near future by the construction of railroads, etc.

He regards $2.50 per acre a fair average value for lands in their native state throughout the southeastern portion of the excluded area, exclusive of the lava-rock portions, which latter are worthless. His report shows that he has availed himself of every possible means to arrive at the value of the lands excluded, and states that while it is true that there are a great many acres of valueless lands in the tracts, there are many acres of arable land which already possess a considerable value and an immense amount of pine timber that must become very valuable in the near future; and taking into consideration the twenty-nine years that the Klamath Indians have been deprived of these lands, together with the value of the valleys, meadows, and heavily timbered portions, he most heartily indorses the price fixed upon said lands by the boundary commission in 1896, to wit, 86.36 cents per acre.

He then relates his negotiations in council with the Indians, stating that he advised them that the Department was opposed to per capita cash payments, as large cash payments have a demoralizing effect upon the Indians and that it was, therefore, desired by the Department that the greater portion of the amount the Indians were to receive be placed in the United States Treasury to their credit to draw 5 per cent interest annually, the remainder, after paying legal fees of attorneys having duly approved contracts, to be expended under the direction of the Secretary for such purposes as would be of the greatest benefit to them, not for the present time only but for their future welfare.

The Indians at first demanded and urgently insisted upon a large cash payment, but finally yielded to his arguments and were brought to appreciate the advantages of having the money expended as stipulated in the agreement.

He states that the $25,000 per capita cash payment was conceded by him after careful consideration that the beneficiaries might thus be enabled to liquidate their indebtedness, consisting chiefly of small grocers' bills and a few mowing machines, etc. This cash payment for the 1,138 Indians of the agency, being about $22 per capita, he thinks will be of great benefit to the beneficiaries and will be judiciously expended by most of them, and especially appreciated by the very old people who would not be particularly benefited in a tangible way should the money be all expended in irrigation and the purchase of stock cattle. The Indians were very much opposed in the beginning to any provision for irrigation, maintaining that those desiring such should construct their own ditches, but finally consented to its incorporation into the agreement with the proviso that only those who will be benefited by the irrigation shall bear any expense of its construction. The equalization is to be secured by giving those who do not receive any benefit from irrigation a larger share of other benefits.

He states that the Klamath and Modoc Indians all dress as whites, wear their hair short, and are well advanced in civilization, and while they are not what can be termed fully civilized the elements of progress are well grounded and steadily developing among them. They are fairly well educated, the majority of them being quite well advanced, and of the 200 whose signatures are attached to the agreement 95 signed their own names.

He states that the Klamath Reservation with an altitude approximating 4,500 feet is not adapted to agricultural purposes other than the growing of fodder, which at present is raised in valleys along the streams and other low places where there is sufficient moisture, and with irrigation of the lands as contemplated by the agreement, the amount of timothy, red mammoth clover, grain fodder, and wild grass that can be raised on the reservation will only be limited by the acreage cultivated.

He also states that there is no finer section in Oregon for stock growing, and that this industry should be fostered and encouraged, as it is the only remunerative industry in that section of the country.

The agreement concluded by Inspector McLaughlin is satisfactory to this office, and without doubt is far better for the future prosperity of the Indians than the disposition of their funds proposed in the former agreement. The price fixed upon the lands, in view of the report of the boundary commission and Inspector McLaughlin's minute and careful investigation, is regarded as just and fair.

These Indians have patiently waited for more than thirty years for the recognition of their rights to the lands given them by treaty stipulations, and a settlement with them should no longer be deferred. The draft of a bill to ratify the agreement has been prepared and is herewith transmitted with duplicate copies of the papers, including certified list of lands entered by citizens of the United States, by the Oregon Central Military Wagon Road Company, and by the State of Oregon, on the tract excluded from the Klamath Reservation by the erroneous survey made in 1871, with the recommendation that they be transmitted to both branches of Congress, with earnest recommendation for early and favorable consideration. But one copy of the map of the boundary, as surveyed under the act of 1898, is transmitted, as it is not presumed the papers will be printed by both Houses. It is not thought necessary to transmit the township plats and field notes, a true location of the boundary being shown on the large map.

Very respectfully, your obedient servant,

W. A. JONES,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
INDIAN SCHOOL SERVICE,
Klamath Agency, Oreg., January 2, 1899.

HON. SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: Pursuant to instructions from the Commissioner of Indian Affairs, approved by the Acting Secretary October 12, 1898, I came to this agency, as directed, for the purpose of concluding a treaty with the Klamath and other Indians on the Klamath Reservation.

My first effort after arriving here was to ascertain what portion of the reservation was occupied by citizens of the United States, for what purpose, and under what title.

To acquire this information I visited the local land office and there secured a certified list of all the lands now occupied or claimed by citizens of the United States located on the tract which was found by the boundary commissioners to have been excluded from the Klamath Reservation by the erroneous survey made in 1871.

I inclose herewith the list obtained as stated. It embraces all the entries made

prior to December 8, 1898, and shows that since the plats were filed in the land office' a period of approximately twenty-five years, only 62,361 acres have been entered.

Of that amount the Oregon Central Military Wagon Road Company has filed upon 31,000 acres, under the provisions of the act of July 2, 1864, and the State of Oregon 24,281 acres. It will be noted that only 7,080 acres have been taken up by proposed settlers under homestead, preemption, and timber-culture acts.

The three classes of entries named aggregate 62,361 acres, leaving a balance of 555,129 acres of the excluded land yet unoccupied. The land entered by the Oregon Road Company embraces the odd sections, whether good or bad, along the line of their road for a distance of 3 miles on each side.

It is fair to presume that the unoccupied land is of but little value, if not practically worthless, having been allowed to remain unentered for twenty-five years. There is no apparent reason why the Indians should not be allowed to retain the 555,129 acres which are not occupied or claimed, and payment be made them for the 62,361 acres which have been transferred to settlers and other claimants.

The following, which is an abstract from page 11 of the report of the boundary commissioners, explains their views concerning the character of this land:

"The area which we ascertain and determine to have been excluded from the treaty reservation, by the erroneous survey of its boundary, is 617,490 acres.

"The character of the excluded area varies greatly. There are some limited tracts of good meadow and grazing lands, but the major portion of the area is of inferior quality. With the exception of the meadows of the Sycan and Sprague river sections, which are the principal bone of contention, the greater part of the excluded land consists of rocky and sterile mountain ranges, producing very ordinary timber and little grass.

"The territory in the vicinage of Mounts Scott and Cowhorn, on the northwest and north, is especially of little or no value. Being of volcanic formation, the land consists of a substrata of basalt and pumice stone lightly covered with volcanic ashes and decomposed pumice, offering scanty sustenance to vegetation.

"The extensive areas embraced in the eastern slopes and spurs of the Yamsay Mountains, and the western of Winter Ridge, are likewise of little worth, owing to their rugged and rocky formation."

They were undoubtedly right in their conclusions as to the excluded district, being, I understand, unanimous in that particular, but in the fixing of the price per acre they had to make concessions to each other. The price they named, being fractional, shows this to be true. I learned that each marked his appraisement in figures these were added, and their sum divided by three. Thus the price determined represents their average judgment.

Mr. I. D. Applegate, one of the boundary commissioners, was employed by the Indians as their attorney in the Wagon Road land cases, pending in the Department. As that position rendered him ineligible to act upon the commission, he resigned his attorneyship to accept a place upon the boundary commission.

Whether his former relation to the Indians influenced his judgment as to the price of the land excluded or not, his figures were high enough to bring the average to the price stated in their report.

The Sycan and Sprague River sections mentioned by the commission constitute the lands which have been taken, and the remainder is practically worthless.

A fair average price for all the lands in their native state now held by the citizens of the United States, by the Oregon Wagon Road Company, and the State of Oregon, would not exceed $2.50 per acre, or $155,900, while the remainder of the land which is considered by the boundary commission to be "of little or no value," could not by any process of reasoning be appraised at $100,000.

If Congress desires to purchase from the Indians all the land excluded by the erroneous survey, the sum to be paid them should not exceed $250,000, and if they are to receive $533,270 it should be understood by them that the amount in excess of $250,000 is a gift on the part of the Government, and is to be expended for their benefit under the direction of the Secretary of the Interior.

The Indians of this reservation, as well as of others, should be taught that while the Government is willing to deal fairly with them, they can not "jockey" with the Department and Congress.

The leading men to-day on this reservation have been educated by the Government, quite a number being sons of the Army, which was stationed here for some time. They will compare, both in education and shrewdness, very favorably with average frontier settlers. They are not willing to accept the generous offer which I was instructed to make to them, believing that they will receive cash payments. They are stimulated in this belief by the white men in and around the reservation

After my return from the land office I called two councils, one to be held at Williamson River and the other at Yainax, for the purpose of selecting six delegates at each place, to meet with me at the agency on a day named. This was accordingly done. Delegates were chosen on the 3rd of December, and they met with me in the assembly room at the agency school on December 6 and organized by electing Harrison Brown, a full-blood Indian, chairman; and Henry Wilson, one of the Indian judges, secretary. The attendance was not limited to the delegates, the large room being filled with spectators, both male and female.

I stated my mission and told them what was the desire of the Secretary, read to them the report of the boundary commission, and explained to them that the Government was disposed to be liberal, but that while it was known and conceded in Washington that they were a good lot of Indians, had been friendly to the whites, and had made greater progress than most of the Western tribes, yet there were many among their people, including the children, who were not capable of taking care of money; consequently the Government proposed to place to their credit $350,000, the sum named in the agreement I had prepared under your directions, to draw interest at 5 per cent, which interest would be paid them annually, per capita, and the remainder, after paying attorneys' fees which they had contracted, would be spent by the Secretary in such a manner and for such purposes as he thought would be for the best interests of the people of the Klamath Reservation.

This proposal at once met with an almost unanimous protest. It developed the situation and showed conclusively that they had resolved to accept nothing but cash.

An adjournment was taken for several days, to permit the people to attend a funeral and confer with one another.

At the next meeting, I presented the following modification: "$350,000 to be deposited in the United States Treasury, to draw interest as before proposed, and the remainder to be expended under the direction of the Secretary of the Interior, except as hereinafter stipulated:

Article 3: "It is stipulated and agreed that out of the money to be expended for the benefit of the Indians as provided in article 2 of this agreement, the sum of five thousand ($5,000) dollars, or so much thereof as may be necessary, shall be expended for the erection of a sawmill at or near the junction of Sprague and Williamson rivers, and that the sum of three thousand ($3,000) dollars, or so much thereof as may be necessary, shall be expended for the enlargement and improvement of the sawmill at Yainax.

Article 4: "It is further stipulated and agreed that the sum of one thousand ($1,000) dollars, or so much thereof as may be necessary, shall be expended for the erection and furnishing with tools at Klamath Agency School, of a blacksmith shop to contain three (3) forges; and that a like sum, or so much thereof as may be necessary, shall be spent for the erection of a similar shop, with like furnishings, at the Yainax School.

Article 5: "It is further stipulated and agreed that a skilled blacksmith shall be put in charge of each of the aforesaid shops for the purpose of teaching such of the larger boys in each school as may choose the blacksmith trade, or as the agent, by and with the consent of the commissioner, shall conclude to apprentice in such shops.

Article 6: "It is further stipulated and agreed that the sum of one thousand ($1,000) dollars of the money to be expended under the direction of the secretary, as provided in this agreement, shall be used for the purpose of erecting and furnishing with tools a carpenter and wagon maker's shop at or near the Klamath Agency School; and that a similar sum from the same fund shall be used at the Yainax Agency School. It is also agreed that the sum of ($800) eight hundred dollars, or so much thereof as may be necessary, out of the same fund, shall be expended in the erection of two bridges on Williamson River and two on Sprague River, at such points as the U. S. Indian agent may determine to be the most convenient for the Indians.

Article 7: "It is further stipulated and agreed that in making improvements under this agreement all labor other than that of mechanics and engineers to superintend the work shall be given to the Indians at such wages as the Commissioner of Indian Affairs may consider just and equitable."

The Indians are continually clamoring for increased accommodations at the blacksmith, wagon-making, and carpenter shops, as well as at the lumber mills for sash and doors, and I thought that by adding the foregoing articles they might accept the whole, but I was mistaken.

They, however, agreed to accept a deposit of $350,000, requiring that it be carried pro rata to the credit of each Indian, thus necessitating the opening of over 1,000 accounts with individual Indians in the United States Treasury; they further required that the remainder be paid them pro rata in cash.

To these requests I refused to accede. They then inquired if I would allow them to telegraph the Department and wait for them to get an answer. I agreed to do so, and they wired in conformity with their last demand. Your reply, refusing to change my instructions, was not received for six or seven days, during which time they had been holding meetings and resolving to accept nothing but money.

When we finally met again, I proposed to add to my former offer article 8, as follows:

"Article 8: It is further stipulated and agreed that if any of the aforesaid Klamath or other Indians conclude that the improvements and purchases to be made under this agreement will be of no benefit to the individual or individuals arriving at such conclusion, he, she, or they may make request in writing to the Secretary of the Interior that he may pay in cash their pro rata share of the money to be expended under his direction. Such request shall state that the applicant is over 21 years of age, is capable of taking care of his or her money, and that he or she will not be benefited by the purchase or improvements contemplated in this agreement. The Secretary of the Interior, upon receipt of such a request, shall make investigation to determine whether the statements made by the applicant are true, and if found to be so, cause payment to be made as requested."

They told me they would enter into no agreement to permit the Government to buy anything for them, or make any improvements with their money.

They proposed to enter into an agreement or treaty under which all the money would be deposited to their credit.

As this was their ultimatum, and as it left the matter to the decision of Congress, and finally to the determination of the Secretary of the Interior, I concluded the agreement which I herewith submit.

The amount of interest money which each individual will receive annually will be too small too enable them to irrigate or improve their lands, or to buy cattle. The Indians and their white advisers know this to be true, but they hope to get a cash payment in the near future. They will doubtless petition for it as soon as they learn that the treaty is ratified, and if that is denied, it will not be long until they ask for a portion of their funds to be expended as the Department first proposed.

Up to the present writing the progress made by these Indians has been such as to reflect great credit on the Indian Office, and is undoubtedly a source of gratification to all who are interested in the Indian problem. It is my judgment that if no agreement is made which will prevent the Department from having supervision over all expenditures in the way of improvements, including irrigation and drainage, and if no considerable amount of money is paid these people, their advance in civilization will be more rapid in the future than in the past.

But the payment to them, as they desire, of such a sum of money as is contemplated would be absolutely ruinous to their future prospects. All the money would soon be in the hands of a few Indians and the local traders, and the Government would then be obliged to begin their reformation anew, with greatly diminished prospects for future success.

Very respectfully,

WM. J. MCCONNELL,
United States Indian Inspector.

The SECRETARY OF THE INTERIOR.

Agreement between the United States and the Klamath and Modoc tribes, and the Ya-hooskin band of Snake Indians, State of Oregon.

Whereas Congress, under the provisions of an act approved July 1st, 1898, entitled "An act making appropriation for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes, for the fiscal year ending June 30th, 1899, and for other purposes," authorized and directed the Secretary of the Interior to negotiate through an inspector with the Klamath and other Indians, joint occupants of the Klamath Reservation, State of Oregon, under the provisions of the treaty made and concluded with the said Klamath and other Indians Oct. 14, 1864, and proclaimed Feb. 17, 1870, for the relinquishment of all their right and interest in and to any part of said reservation, and also to negotiate with them as respects to any and all matters growing out of the occupation of said reservation under said treaty; and

Whereas the said Klamath and other Indians are willing to dispose of a portion of the tract of land in the State of Oregon reserved as a home for their use and occupation by the first article of the treaty between said Indians and the United States concluded Oct. 14, 1864:

Now, therefore, this agreement made and entered into (in pursuance of the provisions of said act of Congress approved July 1st, 1898) at the Klamath Agency, Oregon, by William J. McConnell, United States Indian inspector, on the part of the United States, and the principal men and male adults of the Klamath and other Indians located on said Klamath Reservation, witnesseth:

ARTICLE 1. The said Klamath and other Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Reservation between the boundaries as described in the treaty concluded Oct. 14, 1864, and confirmed by the Klamath boundary commissioners in their report of December 18, 1896, and the reservation line as established by the survey made in 1871 under the authority of the General Land Office.

It is understood that the portion of the Klamath Reservation thus sold, released, and conveyed to the United States approximates 617,490 acres, as estimated by the boundary commission aforesaid; but that the number of acres, which is hereby ceded and relinquished, shall be finally determined by the resurvey of the exterior boundaries of the Klamath Reservation as provided in act of Congress approved July 1st, 1898.

ARTICLE 2. In consideration of the lands ceded, relinquished, and conveyed as aforesaid, and for all claims arising out of the erroneous survey of the reservation boundary in 1871, the United States stipulates and agrees to pay the said Klamath and other Indians the sum of five hundred and thirty-three thousand two hundred and seventy (533,270) dollars; Provided, that if, when the survey of the boundary, as arranged for in act approved July 1st, 1896, is completed, it is fonnd that more than six hundred and seventeen thousand four hundred and ninety (617,490) acres were cut off and excluded from the original boundary of the Klamath Reservation as described in the treaty made October 14, 1868, then there shall be added to the purchase price named ($533,270) the value of the number of acres in excess at 86 and $\frac{36}{100}$ cents per acre; but if the acreage is found to be less than the value of the shortage, at the same price per acre, shall be deducted from the total sum named.

ARTICLE 3. It is agreed that the said amount ($533,270), more or less, as may be determined by result of survey, after the payment of legal fees of attorneys having approved contracts, shall, until Congress further provides, be deposited in the Treasury of the United States to the credit of the aforesaid Klamath and other Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to the said Indians annually per capita.

It is understood and agreed that the above-named sum ($533,270), or such amount as may be left after the payment of fees of attorneys having approved contracts, shall be and remain in the Treasury as before provided, until such time as the Klamath and other Indians of the Klamath Reservation shall, by petition through the United States Indian agent and Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have such sums paid to them per capita from time to time as the needs of the aforesaid Indians require.

ARTICLE 4. It is agreed that the lands by this agreement ceded, those retained, and those allotted to the Klamath and other Indians, shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Klamath and other Indian allottees, whether under the care of an Indian agent or not, shall be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

ARTICLE 5. It is further agreed that so long as the United States maintains an Indian boarding school or schools on the Klamath Reservation, the attendance and control of the pupils shall be governed by the regulations of the Indian Office.

ARTICLE 6. The existing provisions of all treaties with the said Klamath and other Indians, not inconsistent with the provisions of this agreement, are hereby continued in full force and effect.

ARTICLE 7. This agreement will not take effect and be in force until ratified by the Congress of the United States.

In witness whereof the said William J. McConnell, United States Indian inspector, on the part of the United States, and the principal men and other male adults of the Klamath and other tribes of Indians of the Klamath Reservation, have hereunto set their hands.

Concluded at the Klamath Agency, Oregon, on this twenty-seventh day of December 1898.

WM. J. MCCONNELL,
United States Indian Inspector.

1. Harrison Brown, *Chairman* (his x mark).
2. Henry Wilson, *Secretary.*
3. Rev. Jesse Kirk, *Delegate.*

4. Joseph Kirk, *Delegate.*
5. Allen David, *Delegate* (his x mark).
6. Henry Brown, *Delegate* (his x mark).
7. Thomas Choctoot, *Delegate* (his x mark).
8. Frank Lynch, *Delegate* (his x mark).
9. Jacob Henderson, *Delegate* (his x mark).
10. William Harding, *Delegate* (his x mark).
11. Jack Palmer, *Delegate.*
12. Robert Wilson, *Delegate.*
13. William Ball, *Delegate.*
14. Henry Blow, *Chief* (his x mark).
15. Chief Lalo, *Chief* (his x mark).
16. Chief Pompey, *Chief* (his x mark).
17.
18. Mark Robinson (his x mark).
19. Dr. Thompson (his x mark).
20. Link River Beale (his x mark).
21. William Crawford.
22. Pitt River Dick (his x mark).
23. Allen Egg Man (his x mark).
24. George Gray.
25. Pitt River George (his x mark).
26. Henry Hoover.
27. Frank House.
28. Simon Isaacs (his x mark).
29. Henry Jackson (his x mark).
30. Garfield Jack.
31. Dr. John (his x mark).
32. Mose John (his x mark).
33. Jim Jackson (his x mark).
34. Grover Morgan (his x mark).
35. Jim Hearst (his x mark).
36. William Moon.
37. Abraham Charley.
38. Drummer David (his x mark).
39. Bob Hook (his x mark).
40. Jasen Howard (his x mark).
41. Tommy Tecumseh (his x mark).
42. Bright Jim (his x mark).
43. Blaine Ben John.
44. Modoc Henrey (his x mark).
45. Willie Jonah.
46. George Duvall.
47. James Dowwest (his x mark).
48. Holly Kane (his x mark).
49. Pat Bane (his x mark).
50. Coley Ball (his x mark).
51. Thomas Lang (his x mark).
52. Agency George (his x mark).
53. Elmer Hill.
54. Andrew Jackson (his x mark).
55. John Duvall.
56. Hebert Coney (his x mark).
57. Cholah (his x mark).
58. Sam Allen (his x mark).
59. Charley Brown (his x mark).
60. Allen Bob David (his x mark).
61. Robert David.
62. Yank Lobert (his x mark).
63. Long John (his x mark).
64. Toto Merritt (his x mark).
65. Chas. Morgan.
66. Hebert Nelson.
67. Joe Nimrod (his x mark).
68. Dennis O'Tool (his x mark).
69. Paddy (his x mark).
70. Brick Jim (his x mark).

71. Padro (his x mark).
72. Pelican Man (his x mark).
73. Pete Philip (his x mark).
74. Fred Phillips.
75. Dick Muster (his x mark).
76. Charley Pitt (his x mark).
77. Grover L. Pompey.
78. Frank Choke Riggs (his x mark).
79. Sammy Andy (his x mark).
80. Thomas Skellock (his x mark).
81. Sam Solomon Lalakes (his x mark).
82. Wilder Lalakes.
83. Allie Tecumseh (his x mark).
84. Arthur Tupper.
85. Jim Twice (his x mark).
86. Long Wilson (his x mark).
87. Hunter Wilson (his x mark).
88. Tom Skellock (his x mark).
89. John Whistler (his x mark).
90. Alex Wilson (his x mark).
91. Finley Wilson (his x mark).
92. Sam Walker.
93. Andrew White (his x mark).
94. Charles White (his x mark).
95. Joe Weeks (his x mark).
96. Henry Weeks (his x mark).
97. Benjamin Wright.
98. Harry Wright.
99. Prim Weeks.
100. Mike Weeks (his x mark).
101. Jake Weeks, sr. (his x mark).
102. Tim Brown (his x mark).
103. Yhilatete (his x mark).
104. Thomas Barkley.
105. Lincoln Preston Rutter.
106. James Cole Back (his x mark).
107. Ben Butler.
108. Modoc Charley Faithful (his x mark).
109. Dr. Chinchalo (his x mark).
110. Sargent Brown
111. Dennis Crowley (his x mark).
112. Charles Cowen.
113. Jack Simcoe (his x mark).
114. John Smith Blind (his x mark).
115. Rash Jonah (his x mark).
116. Frank John (his x mark).
117. Peter Johnson (his x mark).
118. Lion-hart (his x mark).
119. Mink Lobert (his x mark).
120. John Pat (his x mark).
121. John Smiley (his x mark).
122. Dick White.
123. Burnside Coney (his x mark).
124. Ben John (his x mark.)
125. John Nelson (his x mark).
126. Carlos Blair (his x mark).
127. Albert Hoches (his x mark).
128. Tom Blow (his x mark).
129. David Copperfield.
130. Oregon Dick (his x mark).
131. Logan Pompey (his x mark).
132. Samuel Essix (his x mark).
133. Edward Ball.
134. Jake Williams (his x mark).
135. Old Man Isaacs (his x mark.
136. Eugene Isaacs.
137. David Johnson.

138. Wise Johnson.
139. James Johnson.
140. Dr. McKay (his x mark).
141. Donald McKay.
142. Ab. Captain (his x mark).
143. Stonewall Jackson (his x mark).
144. Charley Preston (his x mark).
145. Lee Dinkes.
146. John Snipes (his x mark).
147. Lotchess (his x mark).
148. Morris Lotchess.
149. Byron Lotchess.
150. Axeman (his x mark).
151. Charley Stokes (his x mark).
152. Johnnie Stokes.
153. Moses Chiloquin (his x mark).
154. Albert Chiloquin.
155. Gordon Miller.
156. Jack Drew (his x mark).
157. James Copperfield (his x mark).
158. James George (his x mark).
159. Ernest George (his x mark).
160. Little John.
161. Dick Brown (his x mark).
162. Kay Davis.
163. Reuben Walker (his x mark).
164. Dr. George (his x mark).
165. Dikse George (his x mark).
166. John George.
167. James Hutcherson (his x mark).
168. John Hose Skin (his x mark).
169. Levi Walker.
170. James Noco (his x mark).
171. William Turner (his x mark).
172. Elmer Lynch.
173. Ike Turner (his x mark).
174. Peter McCarty Granchin.
175. David C. Skeen.
176. Matthew Skeen.
177. Charley Hutchson (his x mark).
178. Homer Hutcherson.
179. Elchunks Micheal (his x mark).
180. Chief George (his x mark).
181. Modoc Henry (his x mark).
182. Ned Hunter (his x mark).
183. George Snith (his x mark).
184. John George.
185. Jones John (his x mark).
186. Bob Short (his x mark).
187. Thomas Jefferson (his x mark).
188. Bob. Goodowa (his x mark).
189. Peter Foster (his x mark).
190. Stubbs Foster (his x mark).
191. Harvey Wilson (his x mark).
192. William's Isaacs (his x mark).
193. Ivory Jack (his x mark).
194. Archie Villard (his x mark).
195. Hiram Villard.
196. Robert Johnson.
197. James Preston.
198. Scott Modoc Davis.
199. Joseph Baker.
200. Arthur Chester.
201. Clark's Choctoot.
202. William Cowen.
203. Slim Charley (his x mark).
204. Ralph H. Jackson.

205. Peter Jones (his x mark).
206. Long James (his x mark).
207. Watson Tupper.
208. Mose Kist (his x mark).
209. Paddy (his x mark).
210. George Miller.
211. Anthony Merritt (his x mark).
212. Wild Bill (his x mark).
213. Squire Bill (his x mark).
214. Alexander Popum-kus (his x mark).
215. David Popum-kus (his x mark).
216. Peter Paunince (his x mark).
217. Frank Riddle.
218. Jefferson C. Davis Riddle.
219. Daniel Schon-chin (his x mark).
220. Dr. Samuel Watah (his x mark).
221. Roscoe Watah.
222. Grant Smith.
223. Isaac Modoc Taylor (his x mark).
224. Mike Weah (his x mark).
225. James Williams.
226. Blind Williams (his x mark).
227. Abel Walker.
228. Joseph Goddowa (his x mark).
229. John Goddowa (his x mark).
230. Anderson Faithful.
231. Henry Pitt Jackson (his x mark).
232. Robin Hood.
233. John Pitt (his x mark).

We, Jesse Kirk and Henry Wilson, do certify that the annexed and foregoing agreement by and between the United States and the Klamath and other Indians on the Klamath Reservation in the State of Oregon was by us fully interpreted and explained to said Indians, and they were made to understand the same; that after said interpretation the said Indians whose names appear subscribed to said agreement, signed the same or authorized it to be signed in our presence.

We further certify that said subscribers are members of said tribes of Klamath and other Indians, and reside upon the Klamath Reservation, State of Oregon, and that said subscribers are male adults over the age of twenty-one years.

Given under our hands at the Klamath Agency, Oregon, January 4, 1899.

Rev. JESSE KIRK,
HENRY WILSON,
Interpreters.

I, Oliver C. Applegate, U. S. Indian agent, Klamath Agency, Oregon, hereby certify that the male adult population of the Klamath and other Indians on the Klamath Reservation, State of Oregon, is two hundred and forty-seven (247).

This certificate is made upon my best knowledge, information, and belief, derived from the records of the Klamath Agency office, confirmed by such other information as is attainable respecting their ages.

O. C. APPLEGATE,
U. S. Indian Agent.

KLAMATH AGENCY, OREGON, *January 4, 1899.*

WASHINGTON, D. C., *April 10, 1899.*

Hon. W. A. JONES,
Commissioner of Indian Affairs.

SIR: Under a clause providing therefor in the Indian appropriation act of June 10, 1896 (29 Stat. L., 321), the President appointed a commission, consisting of Hon. W. P. Coleman, of Missouri; Hon. R. P. Harmond, of California, and Capt. I. D. Applegate, of Oregon, to investigate and determine as to the correct location of the treaty boundaries of the Klamath Indian Reservation in Oregon, and to ascertain and determine as to the number of acres of land, its character, and value, excluded from the reservation by the erroneous survey of its outboundaries.

That commission, after careful investigation of the matter by personal and actual lengthy observation, ascertained, fixed, and determined the correct location of the

treaty boundaries of the reservation, ascertained the number of acres of land excluded from the reservation by the erroneous survey of its outboundaries to be 617,490 acres, made full report as to the character of such excluded lands, and fixed and determined the value thereof to be 86.36 cents per acre, aggregating $533,270.

The report of the commission was submitted by your office to the Secretary of the Interior, Hon. D. R. Francis, January 25, 1897, and by him to the Congress, with favorable recommendation for an appropriation in accordance with the findings of the commission, and with draft of proposed legislation for the final adjustment of this long-standing claim of the Indians. (See Senate Document 93, Fifty-fourth Congress, second session.)

In your annual report for 1897 you urged action upon the matter by Congress, saying:

"These Indians are undoubtedly entitled to compensation for the lands erroneously excluded from the reservation, and the amount proposed is reasonable and just." (See p. 92.)

Your views on the matter are fully indorsed by the Secretary of the Interior, Hon. C. N. Bliss, in his annual report for the same year, wherein he adopts your foregoing remark. (See p. 40.)

When the matter, thus presented to Congress, came up for consideration by the proper committees, it was concluded that, before any payment of their claim, the Indians should relinquish their right, title, and interest in and to the lands to be paid for, and that they should give their consent to the findings of the commission, so as to preclude them from making any further claims upon the Government for said lands.

For this purpose a clause was incorporated in the Indian appropriation act of July 1, 1898, authorizing and requiring negotiations by the Secretary of the Interior with the Indians, through an Indian inspector.

The honorable Secretary of the Interior designated United States Indian Inspector William J. McConnell for this duty, and he has submitted the agreement negotiated by him with the Indians, whereby they relinquish the lands in question to the United States, and all of their claims growing out of the same, for the sum of $533,270, that sum to be increased or diminished by the price of 86.36 cents per acre, as the area of the land relinquished shall be found to be greater or less than 617,490 acres.

Notwithstanding this agreement, negotiated and concluded by the inspector with the Indians, stipulating for the payment of the sum specified therein for the lands in question, his report, submitting the agreement to the Department, contains some remarks to the effect that the land is not worth so much as the price stipulated therefor in said agreement, and as ascertained, fixed and determined therefor by the commission, who were necessarily required for the purposes of their investigation to go over the whole area of it, and actually did go over the whole area.

The inspector makes no showing that he went over the whole body of the excluded lands to make such careful, thorough, and personal investigation thereof as to enable him to intelligently and justly bring in question the valuation determined for it by the commission.

Other considerations than the mere intrinsic or actual market value of the land have entered into the price agreed to be paid for land cessions made by other Indians to the United States. There are many instances, as the records of the Department of the Interior will attest, where the Government has paid to Indians far more money for lands ceded by them than ever came back into the Treasury from other disposal of the same lands. In fact the amount of compensation has been controlled largely by motives of policy and the desire to be just to the Indians.

The commission in this case made no negotiations with the Indians, and it is clear that they were not influenced or controlled by their views or wishes as to the price to be paid for the land. The manner of dispossession, and the long time the Indians were kept out of possession and occupancy, may or may not have been considered by the commission in determining the price to be paid. At any rate, the moderate price per acre reported indicates the conservatism of the commission.

The united and uncontrolled judgment of the three men comprising the commission, as to the value of lands which they personally went over and investigated, to ascertain their character, etc., ought not to be affected by the remarks of the inspector, or his individual opinion on the subject, whether with or without full and accurate knowledge, and especially when that opinion conflicts with his judgment and action as more formally and authoritatively expressed in the agreement negotiated and concluded by him with the Indians.

But it is of the greatest importance to the Indians, and of no less importance to the Department having the management of Indian affairs, that this matter, when again

submitted to Congress, shall be so complete in form, and so clear, full, and explicit in information that there need be no further cause for hesitation or delay of appropriate legislation by Congress for the full and final adjustment of the claim of the Klamath Indians.

To this end, therefore, we, the attorneys for the Indians, respectfully request that such further investigation be made, and in such manner as the Department may deem proper, as will enable it to determine whether the remarks of the inspector, as to the value of the land, are entitled to such weight as to affect the findings and conclusions of the commission on that subject, and the agreement prepared and executed by Inspector McConnell himself, so that full and complete information on this question may be presented to Congress.

Very respectfully,

JOS. K. MCCAMMON,
R. V. BELT,
Attorneys for the Klamath Indians.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 15, 1899.

SIR: Under date of January 18, 1899, your predecessor transmitted to this office for report and recommendation the report of Inspector William J. McConnell, dated January 2, 1899, transmitting an agreement concluded December 27, 1898, by him with the Indians of the Klamath Reservation in Oregon, under a provision in the Indian appropriation act approved July 1, 1898 (30 Stat. L., 571).

By article 1 of said agreement said Indians cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Reservation between the boundaries as described in the treaty concluded with said Indians October 14, 1874 (16 Stat. L., 707), and confirmed by the Klamath boundary commissioners in their report of December 18, 1896, and the reservation line as established by the survey made in 1871 under the authority of the General Land Office, it being understood that the portion of the reservation thus ceded approximates 617,490 acres, but that the number of acres so ceded shall be finally determined by the resurvey of the exterior boundaries of the reservation as provided by said act of July 1, 1898. By article 2 the United States, in consideration of said cession, agrees to pay said Indians the sum of $533,270, or the sum of 86.36 cents per acre for the quantity of land as finally determined by the survey. By the third article it is stipulated that said amount of $533,270, more or less, after the payment of the legal fees of attorneys, shall, until Congress further provides, be deposited in the Treasury of the United States to the credit of said Indians and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to said Indians annually per capita.

It is further understood and agreed that the above sum of $533,270, or the amount remaining after the payment of attorneys' fees, shall be and remain in the Treasury, as before provided, until such time as the Klamath Indians shall, by petition through the United States Indian agent and the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have such sums paid to them per capita from time to time as their needs may require.

By the fourth article it is provided that the lands by the agreement ceded, those retained, and those allotted to the Indians shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the allottees, whether under the care of an agent or not, shall be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

The fifth article provides that so long as the United States maintains an Indian boarding school on the Klamath Reservation the attendance and control of the pupils shall be governed by the regulations of the Indian Office.

The sixth article continues the existing provisions of all treaties not inconsistent with the provisions of the agreement.

The seventh article provides that the agreement shall not take effect until ratified by Congress.

In submitting the agreement, Inspector McConnell states that only 62,361 acres of the land excluded from the reservation by the erroneous survey have been entered, of which the Oregon Central Military Wagon Road Company has filed upon 31,000 acres and the State of Oregon upon 24,281 acres, leaving 7,080 acres that have been taken up by proposed settlers.

This leaves a balance of 555,129 acres of the excluded land yet unoccupied. He states that it is fair to presume that the unoccupied land is of but little value, if not

practically worthless, having been allowed to remain unentered for twenty-five years, and that there is no apparent reason why the Indians should not be allowed to retain the 555,129 acres which are not occupied or claimed, and payment made to them for the 62,361 acres which have been transferred to settlers and other claimants.

He quotes from the report of the boundary commission (Senate Doc. No. 93, Fifty-fourth Congress, second session, p. 11, first 18 lines) and says:

"They were undoubtedly right in their conclusions as to the excluded district, being, I understand, unanimous in that particular, but in fixing the price per acre they had to make concessions to each other. The price they named being fractional shows this to be true. I learned that each marked his appraisement in figures; these were added and their sum divided by 3. Thus the price determined represents their average judgment.

"Mr. I. D. Applegate, one of the boundary commissioners, was employed by the Indians as their attorney in the Wagon Road land cases, pending in the Department. As that position rendered him ineligible to act upon the commission, he resigned his attorneyship to accept a place upon the boundary commission.

"Whether his former relation to the Indians influenced his judgment as to the price of the land excluded or not, his figures were high enough to bring the average to the price stated in their report.

"The Sycan and Sprague River sections mentioned by the commission constitute the lands which have been taken, and the remainder is practically worthless.

"A fair average price for all the lands in their native state now held by the citizens of the United States, by the Oregon Wagon Road Company, and the State of Oregon would not exceed $2.50 per acre, or $155,900; while the remainder of the land, which is considered by the boundary commission to be 'of little or no value,' could not by any process of reasoning be appraised at $100,000.

"If Congress desired to purchase from the Indians all the land excluded by the erroneous survey, the sum to be paid them should not exceed $250,000, and if they are to receive $533,270 it should be understood by them that the amount in excess of $250,000 is a gift on the part of the Government, and is to be expended for their benefit under the direction of the Secretary of the Interior."

He then relates the results of the councils with the Indians and his failure to induce them to consent to any agreement which would permit the Government to buy anything for them, or make any improvements with their money, they being only willing to enter into an agreement under which all the money would be deposited to their credit. He then concluded the agreement before referred to.

Regarding it he says:

"The amount of interest money which each individual will receive annually will be too small to enable them to irrigate or improve their lands, or buy cattle. The Indians and their white advisers know this to be true, and they hope to get a cash payment in the near future. They will doubtless petition for it as soon as they learn that the treaty is ratified, and if that is denied, it will not be long until they ask for a portion of their funds to be expended as the Department first proposed."

He concludes by saying that the payment to them, as they desire, of such a sum as is contemplated would be absolutely ruinous to their future prospects.

"All the money would soon be in the hands of a few Indians and the local traders, and the Government would then be obliged to begin their reformation anew, with greatly diminished prospects for future success."

From Inspector McConnell's report it would appear that he has concluded an agreement with these Indians which may prove demoralizing and even ruinous to them, and by which the United States is required to pay more than double the fair value of the lands ceded.

Under date of April 10, 1898, Messrs. Joseph K. McCammon and R. V. Belt, attorneys for the Klamath Indians, addressed a communication to this office in which, after referring to the previous history of the case, the approval of the report of the boundary commission by this office and the Department, the reasons impelling Congress to provide for negotiations, etc., they say:

"Notwithstanding this agreement, negotiated and concluded by the inspector with the Indians, stipulating for the payment of the sum specified therein for the lands in question, his report submitting the agreement to the Department contains some remarks to the effect that the land is not worth so much as the price stipulated therefor in said agreement and as ascertained, fixed, and determined therefor by the commission, who were necessarily required, for the purpose of their investigations, to go over the whole area of it, and actually did go over the whole area.

"The inspector makes no showing that he went over the whole body of the excluded lands to make such careful, thorough, and personal investigation thereof as to enable him to intelligently and justly bring in question the valuation determined for it by the commission."

They also claim that considerations other than the actual market value of the land have entered into the price to be paid for land concessions made by other Indians; that the commission in this case made no negotiations with the Indians; that it is clear that they were not influenced or controlled by their views or wishes as to the price to be paid; that the manner of dispossession and the long time the Indians were kept out of possession and occupancy may or may not have been considered by the commission in determining the price to be paid; and that the united and uncontrolled judgment of the three commissioners as to the value of the land which they personally went over and investigated ought not to be affected by the remarks of the inspector or his individual opinion on the subject, whether with or without full and accurate knowledge, and especially when that opinion conflicts with his judgment and action as more formally and authoritatively expressed in the agreement concluded by him.

They state that it is of the greatest importance to the Indians, as well as to the Department, that the matter, when again submitted to Congress, shall be so complete in form and so clear, full, and explicit in information that there need be no further cause for hesitation or delay of appropriate legislation by Congress for the full and final adjustment of the claim. They therefore respectfully request "that such further investigation be made, and in such manner as the Department may deem proper, as will enable it to determine whether the remarks of the inspector as to the value of the land are entitled to such weight as to affect the findings and conclusions of the commission on that subject and the agreement prepared and executed by Inspector McConnell himself, so that full and complete information on this question may be presented to Congress."

If this matter be presented to Congress in its present shape, the opinion of Inspector McConnell as embodied in his report must be ignored or the agreement rejected on account of the excessive price of the lands ceded. The appropriation of any lesser sum would take the matter outside of the agreement and leave the Indians to contend for the balance.

In office report of January 25, 1897, Commissioner Browning referred to the fact that the commission commended the patience of the Indians and their confidence in the justice of the Government during the thirty-two years in which they considered themselves wronged by white settlements on lands they considered secured to them by solemn pledge of the Government, and said: "The commission appears to have carefully investigated the true location of the boundaries laid down in the treaty, and I have no doubt that its conclusions as to the quantity and value of the land excluded by the erroneous surveys are correct."

In the annual report of this office for the year 1897 (p. 92) the commissioner said: "These Indians are undoubtedly entitled to compensation for the lands erroneously excluded from their reservation, and the amount proposed is reasonable and just."

In his annual report for 1897 Secretary Bliss repeated this statement.

It is understood that the motive for the legislation authorizing negotiation was a desire to have the matter settled by agreement, so that the Indians would be forever estopped from making further claim, rather than any question as to the sum to be paid.

While it is believed that the report of the commission, which thoroughly examined the country and was fully informed as to all the circumstances of the case, is entitled to greater weight than that of Inspector McConnell, especially in view of the fact that it is at variance with the agreement concluded by him, yet, in order that Congress may have further and more definite information before it, it would seem to be advisable to have a further investigation, which, moreover, should take into consideration not only the price which the lands will bring in the market, if put up for sale, but also all circumstances which render the lands valuable in the minds of the Indians who have been compelled to part with them without their consent and are therefore placed somewhat at a disadvantage.

The terms of payment provided for in the agreement are unsatisfactory as well as contradictory.

The first clause of article 3 provides that the funds shall, until Congress further provides, be deposited in the Treasury.

The second clause provides that said funds shall remain in the Treasury until such time as the Indians shall petition for a per capita payment.

This office is opposed to the per capita payment of all these funds to the Indians in cash, and Inspector McConnell himself, although he consented to such payment, expresses the opinion that it would be absolutely ruinous to their future prospects.

It is believed that the Indians might be induced to consent to a new agreement following more or less closely the lines adopted by the Department in its report to the President of date January 26, 1897 (Senate Doc. No. 93, Fifty-fourth Congress, second session).

It is therefore recommended that Inspector James McLaughlin, who has had a long experience with various Indian tribes, and who has been eminently successful in negotiating with them, be instructed to visit the reservation with the purpose, first, of determining, after a thorough investigation, whether the price fixed by the boundary commission is a fair and reasonable one, in view of all the circumstances, and equitable to the Indians and not unjust to the Government; and second, to endeavor to negotiate an agreement with the Indians which will contain such provisions as to the amount and terms of the payment to be made as he is willing to indorse and recommend, under the instructions to be given him, and which can be submitted to Congress with the full indorsement and hearty recommendation of this office and the Department.

The papers are herewith returned and the letter of Messrs. McCammon and Belt transmitted.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Klamath Agency, Oreg., February 20, 1900.

SIR: I inclose a copy of a letter which the Indians are now signing on this reservation with the intention of forwarding it to you to present to the proper committees of Congress, when the proper time shall come.

The notes, maps, etc., of last summer's boundary survey, which are to be made up in the office of the surveyor-general of Oregon, at Portland, and then be forwarded to the General Land Office at Washington, will probably not be completed before the 1st of April next. This is what the contractor, Mr. Elliott, writes me.

I am fearful that if the report does not leave Portland, Oreg., until April 1, that it may not reach Washington in time for Congressional action at this session.

However, prompt action in the General Land Office may complete action on the report in time so that you may be able to ascertain the number of acres actually excluded by the erroneous survey of 1871 in time to bring the facts before Congress at the present session.

You are of course aware that a bill for the adjustment of this matter has been introduced in the Lower House of Congress by Hon. Thomas H. Tongue, representative from this Congressional district. Mr. Tongue's bill, in its details as to the number of acres excluded, price per acre, and use of funds to be appropriated as compensation for excluded lands is based upon the report of the boundary commission of 1897 and the recommendations of Commissioner Browning as to payment, etc.

Respectfully,

O. C. APPLEGATE,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE.

To the Congress of the United States (through the honorable Commissioner of Indian Affairs, Washington, D. C.), greeting:

We, the undersigned treaty Indians of the Klamath Indian Reservation, feeling that the time is now at hand for Congress to do us justice in making an appropriation to compensate us for nearly a thousand square miles of our reservation left out by the boundary survey of 1871, and now excluded by the marked boundaries of the reservation, beg leave to quote a brief history of this matter as contained in the annual report of our agent, O. C. Applegate, dated September 26, 1899, which is as follows:

KLAMATH BOUNDARY QUESTION.

"Paramount to other questions affecting the treaty Indians of this reservation, and which it is hoped may soon be brought to a final adjustment, is what is known as the Klamath boundary question. I will briefly refer to some of its principal features. By the treaties of October 14, 1864, and of August 12, 1865, these treaty

Indians relinquished to the United States an area embracing approximately 20,000 square miles lying in southeastern Oregon and northern California (see Revision of Indian Treaties, pp. 432 and 805) in consideration of the reservation to them of an area approximating 3,500 square miles, the description of which will be found in the Klamath, Modoc, and Yahooskin Snake treaty of October 14, 1864, one of the treaties above referred to.

"The boundary, as natural to Indians, was largely designated by the mention of physical features and in this case by mountain chains and peaks not generally difficult to recognize. The survey of the boundary was made by a Government surveyor in 1871, but his boundary line only conforms to the treaty description at a few points and largely ignores the natural features, preferring direct lines of survey to the angular and difficult mountain summits. The Indians for years complained of the injustice of this boundary, which excluded approximately a thousand square miles of their reservation and on June 10, 1896, Congress, with a desire to do justice to these people, made an appropriation to defray the expenses of a commission, which was charged with the duty of investigating this matter upon the ground and of reporting fully the result, with recommendation for Congressional action.

"This commission (see Senate Doc. No. 93, Fifty-fourth Congress, second session) ascertained the area of excluded lands to approximate 617,490 acres, which they determined to be worth 86.36 cents per acre, or $533,270. The commission recommended that one-fourth of this sum when appropriated should be paid to the Indians per capita for the purchase of cattle, wagons, and mowing machines, and that the remainder be placed in the Treasury until such times as the Indian lands become alienable, and to draw interest; the interest to be paid annually to the Indians per capita. As a result of this report the Secretary of the Interior, under date of January 26, 1897, submitted to the Senate a copy of the report of the commission, with the recommendation of the Commissioner of Indian Affairs that a portion of the funds when appropriated should be made available for irrigation and drainage purposes for the benefit of Indian allottees and the schools, in addition to their disbursement in part for the purchase of cattle, wagons, and mowing machines, and that $350,000 should be placed in the Treasury, to draw interest at 5 per cent; the interest to be paid to the Indians annually per capita.

"When this matter came up for Congressional action, it was suggested that a survey should be made to ascertain with more certainty the area of the excluded lands, and Congress promptly appropriated $10,000 for this purpose. This survey commenced too late last year for completion before the mountains were blocked with snow, but was finished by W. C. Elliott, the contractor, during the present summer, and is now being examined in the field by Mr. McLeod, a Government inspector of surveys. Mr. Elliott is not yet able to submit data showing the actual area of the excluded lands, but will do so at an early date. He states, however, that he had no difficulty in following the boundary as described in his instructions, and that he is confident that the area as given by the commission is approximately correct."

THE M'CONNELL TREATY.

"On December 27, 1898, under the authority of Congress, Hon W. J. McConnell, United States Indian inspector, completed a treaty with the Klamath, Modoc, and Yahooskin band of Snake Indians on the Klamath Reservation, by the terms of which the Indians agree to relinquish their rights to the erroneously excluded portion of their reservation, the actual area of the excluded lands to be determined by the survey just completed, in consideration of a payment to them of 86.36 cents per acre, the value fixed by the boundary commission. It is stipulated that the amount due them after the payment of legal fees of attorneys, and until Congress further provides, shall be placed in the Treasury of the United States, drawing interest at 5 per cent, the interest to be paid to the Indians annually per capita. It is further provided that the Indians shall from time to time, through the United States Indian agent and Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have such sums paid to them per capita as their needs may require.

"Twenty-eight years have elapsed since the survey was made which excluded from the Klamath Reservation probably not less than 600,000 acres of land justly belonging to these Indians, and certainly a generous Government ought to render them justice without further delay. On their part they have proven faithful to their treaty, and are industriously developing the area left to them, which is but a small tract, indeed, in comparison with the vast domain they gave up when they entered into treaty stipulations with the Government."

On our part we have been true to our treaty stipulations, have made progress in civilization, and are making homes upon our allotted lands. About 250 of our chil-

dren are being educated in our schools, that they may understand their duty as Americans and live as such. We are improving our reservation by building houses and barns, opening irrigation ditches, fencing, and in many ways. This will make us self-supporting, and will add to the wealth of the whole country.

We have forever laid aside the wild customs and crude life of our fathers, and look forward to a time when we hope to prove our worth as loyal and law-abiding citizens.

Having agreed to accept 86.36 cents per acre as the price of our excluded lands, and to have the number of acres decided by the survey of the outer boundary lately completed, we now earnestly appeal to your honorable body to do us justice at your present session.

We have waited half a lifetime, and many of our people who welcomed the white man and gave him their friendship are with us no longer. Of the 28 principal chiefs who signed the treaties of 1864 and 1865, by which we gave up to the United States our hereditary right to nearly 20,000 square miles of country, only 4 are now living, and they must soon leave us. Let the Government grant us what is our due while some of the old people remain to enjoy it with us.

The terms of payment as stated in the McConnell agreement would suit us best; but we must depend upon the wisdom of Congress as to the manner of payment, with the understanding always that we do not agree to a less price per acre than that recommended by the commission.

As a remnant of a people once great and strong, who first owned this broad land which the white man now controls, we only ask now our just dues from the greatest and kindest nation upon the earth.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Klamath Agency, Oreg., March 29, 1900.

SIR: I inclose a letter signed by a number of Indians on this reservation asking Congress to act on the McConnell agreement with regard to indemnifying them for lands excluded by the erroneous boundary survey of 1871.

As soon as the General Land Office at Washington can act upon the report of the surveyor-general of Oregon upon the survey of the exterior boundary of the reservation made last summer by W. C. Elliott, it is hoped that Congress can take this matter up and make an appropriation to compensate these Indians who have waited many years for justice in this matter.

Respectfully,

O. C. APPLEGATE,
United States Indian Agent.

Hon. W. A. JONES,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Klamath Agency, Klamath County, Oreg., March 3, 1900.

To the Congress of the United States (through the Commissioner of Indian Affairs, Washington, D. C.) greeting:

We, the undersigned treaty Indians, of the Klamath Indian Reservation, feeling that the time is now at hand for Congress to do us justice in making an appropriation to compensate us for nearly a thousand square miles of our reservation left out by the boundary survey of 1871 and excluded by the marked boundaries of the reservation, respectfully beg leave to present the following facts:

Through the assistance of the honorable Commissioner of Indian Affairs and our attorney at Washington, you can easily learn the entire history of our claims. On December 27, 1898, under the authority of Congress, a treaty or agreement was made between Hon. W. J. McConnell, United States Indian inspector, and the treaty Indians of the reservation, by which we, the Indians, agreed to relinquish our rights to the excluded lands in consideration of the payment to us of 86.36 cents per acre, the price decided upon by the Klamath Boundary Commission of 1897, the number of acres excluded to be decided by the survey which was since completed by Contractor W. C. Elliott last summer.

It is further agreed that the amount due us, after the payment of legal fees of attorneys, and until Congress further provides, shall be placed in the Treasury of the United States drawing interest at 5 per cent; the interest to be paid annually per

capita. It is further provided that the Indians shall from time to time, through the United States Indian Agent and Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have such sums paid to them per capita as their needs may require.

On our part we have been true to treaty stipulations, have made progress in civilization, and are making homes upon our allotted lands. About 250 of our children are being educated in our schools that they may understand their duty as Americans and live as such. We are improving our reservation by building houses and barns, opening irrigation ditches, fencing, and in many ways. This will make us self-supporting and will add to the wealth of the whole country.

We have forever laid aside the old customs and crude life of our fathers, and look forward to a time when we hope to prove our worth as loyal and law-abiding citizens.

Having agreed to accept of 86.36 cents per acre as the price of our excluded lands and to have the number of acres decided by the survey of the outer boundary lately completed, we now earnestly appeal to your honorable body to do us justice at your present session.

We have waited a half a lifetime, and many of our people who welcomed the white man and gave him their friendship are with us no longer. Of the 28 principal chiefs who signed the treaties of 1864 and 1865, by which we gave up to the United States our hereditary rights to nearly 20,000 square miles of country, only four are now living, and they must soon leave us. Let the Government grant us what is our due while some of the old people remain to enjoy it with us.

As a remnant of a people once great and strong, who first owned this broad land which the white man now controls, we only ask now our just dues from the greatest and kindest nation upon the earth.

William Ball, Jack Palmer, Rev. Jesse Kirk, Long (his x mark) Wilson, Drummer (his x mark) David, Long (his x mark) John, Chas. (his x mark) Brown, Chas. (his x mark) Preston, Kola (his x mark) Ball, Chas. (his x mark) Pitt, Logan (his x mark) Pompey, Choke (his x mark), Jim (his x mark) Twice, Ben (his x mark) Wright, Alle (his x mark) Tecumseh, Solomon (his x mark) Lo Lakes, Alex (his x mark) Wilson, Jake (his x mark) Williams, George DuVall, Lee Snipes, Davie Copperfield, Thomas Lang, Toto X Married (his name), Eugene Isaacs, Frank (his x mark) John, Dick White, Johnnie Stokes, Henry (his x mark) Blow, Mose (his x mark) John, Otoel (his x mark) Chinchalo, Line (his x mark) Hart, David (his x mark) Johnson, Simon (his x mark) Isaacs, Johnson (his x mark), Allen David (his x mark) Bob, Isaac (his x mark) Nekobex, Owyhelatete (his x mark), Mace (his x mark) Tipton, Ben (his x mark) John, Erskine Beal, William Barkley, William Moore, Wesley (his x mark) John, Brown (his x mark) Henry, Henry (his x mark) Weeks, Dinnie (his x mark) Crowley, Pidlo (his x mark) William, Henry (his x mark) Jackson, Johnny (his x mark) Nelson, Morris Gatches, Charley (his x mark) Stoks, Grover (his x mark) L. Pompey, Latches (his x mark), Charlas (his x mark) White, William J. Jonah, Agency (his x mark) George, Clark Chocktoot, Jeff. C. Riddle, Ike (his x mark) Taylor, Joe (his x mark) Godowa, Modoc (his x mark) George, George Modoc, Gunny Bartoley, Alex. Andear, Jim Norreo, Watson Duffy, Wm. (his x mark) Puner, Mark (his x mark) Robinson, Slim (his x mark) Charley, Jack (his x mark) Drew, Jim Willin, Levi Walker, Harre (his x mark) Wilson, David (his x mark) Canter, Arthur (his x mark) Chester, Anthorney (his x mark) Meritt, Bob (his x mark) Goudway, Henry (his x mark) Jackson, Kay Davis, Homer Hutchinson, Charley (his x mark) Modoc, Wild (his x mark) Bill, Jim Preston, David Chocktoot, G. A. Brown, Allan (his x mark) David, Dr. Thompson (his x mark), Henry Wilson, James Jackson, Dick (his x mark) Brown, Pete (his x mark) Palina, Fort (his x mark) Pins, Long (his x mark) James, Archer Vilard, Joseph Baker, Anderson W. Faithful, Eli Garge, Harrison Brown, Samuel Walker, John Duvall, Short Bob, John Jones, Finley Wilson.

UNITED STATES INDIAN SERVICE,
Klamath Agency, Oreg., October 29, 1900.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to transmit herewith an agreement, dated October 24, 1900, entered into by me, on the part of the United States, with the Indians of the Klamath

Agency, Oreg., by which the said Indians cede, surrender, grant, and convey to the United States all claims, right, title, and interest in and to the lands excluded from their treaty reservation by the erroneous survey of its outboundaries in 1871, the negotiations having been conducted under Department instructions dated June 12 and September 18, 1900, respectively, and authorized by a provision in the Indian appropriation act approved July 1, 1898 (30 Stat. L., 571).

My instructions directed me, first, to determine, after thorough investigation, whether the price fixed by the boundary commission is a fair and reasonable one, in view of all the circumstances, and equitable to the Indians, and not unjust to the Government; and, second, to endeavor to negotiate an agreement with the Indians which would contain such provisions as to the amount and terms of payment to be made as I could indorse and recommend, and which could be submitted to Congress with the full indorsement and hearty recommendation of the Indian Office and the Department.

In compliance with said instructions, upon my arrival at the Klamath Agency, on the 8th instant, I immediately proceeded to obtain information regarding the character of the country, nature of the soil, and quality of the timber within the tract involved, which embraces the area lying between the reservation boundary established by survey in 1871 and the treaty line determined by the boundary commission in 1896, and from the 8th to the 20th instant I was engaged in this work, during which twelve days I traveled, including my trips over the reservations to outlying points of the adjoining lands in question, a distance of about 260 miles.

I was fortunate in securing as guide and interpreter the services of Jesse Kirk, an intelligent full-blood Klamath Indian, to accompany me throughout my field work, as he had accompanied the boundary commission in 1896, when the boundary line described in the treaty of October 14, 1864, was determined, and was also employed by the allotting agents throughout the entire allotment of lands on the Klamath Reservation, and, having a most remarkable memory, knows the legal subdivisions of section, township, and range of every allottee on the reservation. He is equally familiar with the reservation boundary as established by survey in 1871, and also with the treaty boundary as ascertained and determined by the boundary commission, and was therefore invaluable to me in my examination of the lands involved.

Commencing at a point on the boundary line about 1 mile north of the bridge across Wood River at Fort Klamath, I proceeded, as nearly as practicable, along said boundary line to the summit of the ridge which divides the upper and middle Klamath Lakes, as referred to in the treaty of 1864, traveling over said ridge a considerable distance, and from which elevation I had an extensive view of the adjacent foothills and mountain slopes, all of which I found to be heavily timbered, yellow pine predominating, with considerable sugar pine, red cedar, and some fir interspersed.

Yellow pine is the chief timber of the heavy forests throughout this section of country, producing an excellent quality of lumber for all ordinary purposes, and the sugar pine, so-called, is a species of white pine, possessing a high market value for finishing material, and much preferable to yellow pine for the finer kinds of work, and the red cedar furnishes excellent timber for shingles, fence posts, etc.

The ridge which forms the western boundary of the treaty reservation is a spur of the eastern range of the Cascade Mountains, and its eastern slope for a distance of about 40 miles is within the excluded area, and is well covered with good merchantable timber of the varieties above mentioned—as also numerous plateaus throughout the level and sterile portions of the excluded tract contain groves of good pine timber.

There is a heavily timbered belt of not less than 6 miles in width and 40 miles in length, within the excluded tract, along the eastern slope and foothills of the mountain ridge which forms the western boundary of the treaty reservation, and in said belt, from the point near Fort Klamath through to Mount Scott, thence to Cowhorn Mountains, which latter point is the northwest corner of the treaty reservation, there are many million feet of excellent pine timber, which will become very valuable as soon as certain projected lines of railroad are constructed by which the timber can be profitably converted into lumber and marketed.

From the foothills of the Cascade Range, the ridge of which forms the wester boundary of the excluded lands, the country for a considerable distance east is of inferior quality. The soil in this inferior tract is chiefly decomposed pumice, and no merchantable timber grows upon it, but there is a dense growth of small black pines throughout the greater portions of this tract that range in size from small saplings to trees 14 inches in diameter, which species of scrub pine is of little value other than for fence poles or fuel. This character of country, which is of little value, embraces a tract of the excluded area approximating 40,000 acres, situated in the northwest and northern portions, extending from the foothills of Cowhorn Mountain on the

west to Sugar Pine Mountain on the east, which last-named mountain is several miles in length from west to east, the center of its southern slope being near the extreme northern point of Klamath Marsh. The whole of this mountain is heavily timbered with an excellent quality of sugar pine, yellow pine, and red cedar, and there are throughout the said sterile black pine tracts, several small plateaus of good yellow pine, with an occasional patch of grass land, which latter affords limited grazing.

The soil throughout the excluded portion which lies east of Klamath Marsh is of a different character to that on the west side of said marsh, there being no pumice east of the marsh, and the soil is of much better quality; but there are several tracts of sterile lands along the base of Winter Ridge, the eastern border of Sycan Marsh, and in the southeast portion of the excluded lands which are very rocky, being thickly covered with lava rock, and upon which no vegetation exists other than a few juniper trees of stunted growth, and this character of land, aggregating approximately 25,000 acres in the excluded portion, is practically worthless.

The Sycan Marsh (meadow) and Thompson Valley, which extends north from said marsh, together with the extensive meadows and arable lands in the upper Sprague River district, aggregating approximately 20,000 acres, is especially fertile and very productive, and Yamsay Mountain, a large portion of which is situated within the excluded area, is well timbered, as is also the western slope of Winter Ridge, which ridge forms the eastern boundary of the excluded lands. From Mount Frances, which is the northeastern corner of the treaty reservation, along Winter Ridge to Gerhart Mountain, where the said ridge terminates abruptly, is a distance of about 45 miles, and a pine timber belt, averaging about 7 miles in width, extends along the entire distance.

I estimate the merchantable pine timber in the excluded portion of the Klamath Reservation, along the Cascade Range on the west, Sugar Pine Mountain on the north, Yamsay Mountain in the northeast, and Winter Ridge on the east, together with the numerous small plateaus of good pine throughout the inferior and black pine portions, at 350,000 acres.

I regard the pine timber of this estimated acreage equal in quality to the ordinary pine lands of Michigan, Wisconsin, and Minnesota. The trees are tall, free from limbs for a considerable height, and range in size from about 20 to 60 inches in diameter.

The inaccessibility of this timber to market at the present time makes its possessive value difficult to even approximate, but that its value will be enhanced in the near future is shown by an article in a recent issue of the Oregon Timberman, published at Portland, Oreg., which is as follows:

"It has been estimated that there are ten billion feet of timber tributary to the proposed line of the Oregon Midland Railroad situated in the vicinity of Jenny Creek and Spencer Creek, tributaries of Klamath River, and east of Spencer Creek, to Klamath Lake, in Oregon. In addition to the timber above-mentioned, it is calculated there are about three billion feet more situated in the vicinity of the Klamath Indian Reservation, adjacent to streams flowing into the upper Klamath Lake.

"Should the proposed Oregon Midland terminate at Klamath Falls, the timber in the vicinity of the Klamath Indian Reservation would increase this amount to thirteen billion feet. A good percentage of this timber is sugar pine. The building of this road would open up to market one of the largest bodies of soft pine in the United States.

"Up to the present time the sugar-pine interests of Oregon have been centered in Josephine County, with Grants Pass as the center. From one million to two million feet is about the extent of the sugar pine found accessible in a given radius, thus necessitating its manufacture with small portable mills.

"The sugar-pine lumber of Oregon ranks with the highest grade of pine lumber in the United States and finds a ready market in the east as well as on the coast. Choice clear No. 1 sugar pine is worth from $45 to $50 per M at the yards, and finds a market as far east as Chicago and New York. Shipments of Nos. 5 and 4 sugar pine are made to points as far east as Wisconsin and Iowa."

And from an article published in the Klamath Falls Express, of Klamath Falls, Oreg., written by Mr. Charles H. Pierce, of Seattle, Wash., who is considered an expert timberman, I quote as follows:

"In general figures even, it would be very difficult for the best timberman in Oregon to even approximate the amount of saw timber tributary to the Klamath lakes and the upper end of Klamath River. But I have little hesitation in saying that I think when sawed it will aggregate more than five billions of feet."

From the foregoing it will be understood that the timber of these excluded lands will doubtless become valuable in the near future, and I have been reliably informed that there have been a number of persons looking over the said Cascade, Sugar Pine

Mountain, and Winter Ridge districts the past summer with a view to filing entries, some of whom expressed themselves as intending to return next summer and locate upon their selections.

Whilst at Bly in the upper Sprague River settlement, on the 18th instant, Mr. E. E. Fitch, proprietor of the hotel at Bly, informed me that the Oregon Central Military Wagon Road Company, who own considerable land in the county, hold their raw lands at from $1.25 to $10 per acre, according as situated with reference to its irrigation, and that a farm in the valley was recently sold for $12 per acre. And Mr. W. A. Walker, who has lived 26 years in the locality, the owner of 1,200 acres of improved land in the neighborhood, and who is now quite wealthy from farming and stock raising, informed me that he would not sell any of his land (all of which is within the excluded portion) for less than $10 per acre and that he values some of it at double that price, but that he regards $2.50 per acre on the average a fair value for lands in their native state throughout the southeastern portion of the excluded area, exclusive of the lava rock covered portions hereinbefore referred to, which latter are worthless.

Seven settlers of the Bly colony are constructing an irrigating ditch 12 miles in length, at a cost of about $5,000, which will cover about 4,000 acres of uplands bordering the lower valley lands of Sprague River, upon which they can grow timothy, alfalfa, and red mammoth clover very successfully and profitably.

Mr. Walker, who is also one of the owners of the said irrigation system, further informed me that he has raised 6 tons of rye hay to the acre this year and equally as good crops of other fodder, and that he has thrashed 100 bushels of oats from an acre; that vegetables can be successfully raised some seasons, but that potatoes and cereals are not a sure crop, the altitude being about 4,700 feet with frosts every month in the year, and that it is therefore unprofitable to engage in the raising of small grain in the locality, but that there is no section of Oregon that surpasses the Sprague River valley for producing fodder, good grazing, and successful stock growing.

I have gone into minute details, as above set forth, that it may be understood that I have availed myself of every possible means to arrive at the value of the lands excluded from the Klamath Reservation by the erroneous survey of 1871, and whilst it is true that there are a great many acres of valueless land in the said tract, yet there are many acres of arable land which already possess considerable value, and an immense amount of pine timber that must become very valuable in the near future; and, when taking into consideration the twenty-nine years that the Klamath Indians have been deprived of these lands, together with the value of the valleys, meadows, and heavily timbered portions, I most heartily indorse the price fixed upon said lands by the boundary commission in 1896, viz, 86.36 cents per acre.

After completing my examination of the lands referred to and becoming satisfied that the price fixed for same by the boundary commission was just and reasonable, I assembled the Indians in council on Monday, the 22d instant, at which council there were about 150 Indians, and commenced negotiations for the relinquishment by them of said excluded area, including all claims and demands of said Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in 1871. I summarized, briefly, what had been done in the premises up to our meeting in council, and stated that the treaty line as determined by the boundary commission was the one recognized by the Department; that it had been accepted and approved by the proper officials of the Government as the line contemplated in the treaty of 1864; that all their right, title, and interest to lands outside of the boundary commission line was ceded to the Government by their treaty of October 14, 1864, and that the negotiations we were entering upon was based upon the finding of said commission.

I further informed them that I had concluded to indorse the price fixed by the boundary commission, and therefore our negotiations only involved the question of what disposition was to be made of the proceeds.

I also advised them that the Department was opposed to per capita cash payments; that large cash payments have a demoralizing effect upon Indians, and that it was therefore desired by the Department that they place the greater portion of the amount they were to receive in the United States Treasury to their credit, to draw 5 per cent interest annually, and the remainder, after paying the legal fees of their attorneys having duly approved contracts, to be expended, under your direction, for such purposes as would be of greatest benefit to them; not what would benefit them at the present time only, but for their present needs and future welfare.

I suggested that after the principal portion of the proceeds were deposited in the United States Treasury, the remainder, after payment of their attorneys' fees, should, to be of greatest benefit to them, be expended in irrigation of their lands, purchase

of stock cattle, wagons, harness, mowing machines, horserakes, etc., which manner of expenditure would more likely meet with Department approval and prompt action by Congress, and told them that I was prepared to conduct negotiations with them in open council, or, what I regarded the better plan, with a committee of three or five members of the tribes, appointed by the Indians assembled, to conduct the negotiations, and after we had reached an agreement we would report it to the full council for its action; that I would withdraw from the council room that they might discuss the matter among themselves and appoint their committee, if they so elected. They concurred in my suggestion to withdraw for a short time, whereupon I left the hall, again telling them before leaving that they must bear in mind that this matter was of long standing, and to have any agreement we might conclude meet with Department approval and favorable action by Congress per capita cash payments should not be stipulated. In about half an hour they notified me that they had appointed a committee of five persons and were ready to proceed with the negotiations.

The committee were all intelligent Indians and representative men of the tribes, who understood and spoke English, so that an interpreter was unnecessary in our negotiations except at the first council, when about 150 Indians were present, among whom were some very old men who did not understand English very well, and again when I submitted the agreement to them after I had reached a conclusion with the committee.

The committee took up only one question at a time and after disposing of it reported to their full council for further instructions. In this way the agreement was concluded without unnecessary delay or wrangling of contending factions, and after I had read the agreement to them, and had it interpreted paragraph by paragraph, I announced that it was ready for signatures, whereupon 128 Indians, all who were present at the time, immediately signed their names, and others came in from day to day from distant parts of the reservation to sign until 200 had ratified the agreement. After I had reached an agreement with the committee it was reduced to writing and explained to the Indians assembled, who unanimously concurred in its provisions.

There are 1,138 Indians borne on the rolls of this agency, 296 of whom are males over 18 years of age, but 23 of said adult males do not reside upon the reservation and quite a number of others are absent from their homes working in white settlements, all of whom would undoubtedly have signed if they could have been reached, as there was not a single objection offered against any provision of the agreement after we had reached a conclusion.

Under instructions from the full council the committee demanded, and urgently insisted upon, a large cash payment; but they finally yielded to my arguments and were brought to appreciate the advantages of having the money expended as stipulated in the agreement. The $25,000 per capita cash payment provided in Article III was conceded by me, after considering it very carefully, that the beneficiaries might thus be enabled to liquidate their indebtedness. None owe large amounts, chiefly small grocers' bills, and a few for mowing machines, etc., and this cash payment for the 1,138 Indians of the agency, being about $22 per capita, will be of great benefit to the beneficiaries, and, in my opinion, will be judiciously expended by most of them; and it will be especially appreciated by the very old people, who would not be particularly benefited in a tangible way should the money be all expended in irrigation and the purchase of stock cattle.

The Indians were all very much opposed in the beginning to any provision for irrigation, maintaining that those desiring such could construct their own ditches, but they finally consented to its incorporation in the agreement, with the proviso, however, that only those who will be benefited by the irrigation shall bear any expense of its construction, and when taking into consideration that the allotments of many of these Indians are so situated that no general system of irrigation can be made to reach their lands, the proviso is but just and reasonable.

Outside of the Williamson River, Sprague River, Sycan River, and Klamath Marsh districts, the allotments, scattered over thirty-three townships, are much separated, and in some instances far removed from where any general system of irrigation will ever be constructed or where water could be conducted, and in view of this fact I incorporated a clause by which those who receive the benefits shall bear the expense, and those who are not benefited by such expenditure shall receive an equivalent in lieu thereof.

The Indians, as above stated, were at first very much opposed to the incorporation of any provision for the irrigation of their lands, but since they have accepted this important provision they are talking of its advantages, have become very much interested, and many are now enthusiastic over it.

The Indians were opposed to making any mention of wagons, harness, mowing machines, horserakes, etc., in the agreement, desiring to leave the purchase of those

articles to your discretion, subject to their applying for same, they fearing that if mentioned in the agreement they would be obliged to accept them whether desired or not, and, at the request of the committee, I prepared the agreement providing for the drainage and irrigation of their lands and the purchase of stock cattle, omitting enumeration of other articles the purchase of which is provided for, in your discretion, by said Article III of the agreement, and which can, under said provision, be purchased and shipped as actually needed.

The Klamath and Modoc Indians of the Klamath Reservation all dress as whites, wear their hair short, and are well advanced in civilization, and, while they are not what can be termed fully civilized, the elements of progress are well grounded and steadily developing among them. A stranger riding through the districts would never suspect that he was passing through an Indian settlement. Commodious residences, good barns, extensive stock pastures and hay meadows, stacks of hay, and good fences, with what little stock they have in fine condition, shows general prosperity, and gives it the appearance of a community of prosperous white pioneers instead of being among Klamath and Modoc Indians, some of whom were hostiles of the "Lava Beds" trouble of 1872 and 1873.

With the exception of the very old people, these Indians are fairly well educated, a majority of them being quite well advanced, and of the 200 whose signatures are attached to the agreement 95 signed their own names. All appear to understand English, and most of them, both men and women, speak the English language quite intelligently and without native accent so common to most tribes.

The Klamath Reservation, with an altitude approximating 4,500 feet, is not adapted to agriculture, other than the growing of fodder, which is at present raised in valleys along the streams and other low places where there is sufficient moisture; and with irrigation of the lands, as contemplated by the agreement, the amount of timothy, red mammoth clover, grain fodder, and wild grass that can be raised on this reservation will only be limited by the acreage cultivated.

There being frost in this section every month in the year, the cultivation of vegetables and cereals is not remunerative, and in fact not attempted as a paying venture, but there is no finer section in Oregon for stock growing, and for the Klamaths to continue prosperous and become independent the stock industry should be fostered and encouraged, as it is the only remunerative industry in this section of country at the present time.

In conclusion, I most heartily indorse the price fixed by the boundary commission for the lands embraced in the above referred to excluded area of the Klamath Reservation, as determined by said boundary commission in their report, dated December 18, 1896, and believing that the agreement entered into with said Indians and dated the 24th instant, transmitted herewith, is fair and just in all its provisions, I therefore respectfully recommend its approval.

The documents furnished me for my guidance in the premises are herewith returned.

Very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
U. S. Indian Inspector.

THE SECRETARY OF THE INTERIOR,
Washington, D. C.

Articles of agreement with the Klamath and Modoc tribes and Yahooskin band of Snake Indians of Klamath Indian Agency, Oregon.

This agreement, made and entered into on the twenty-fourth day of October, nineteen hundred, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Indian Agency, in the State of Oregon, witnesseth:

ARTICLE I. The said Klamath and other Indians belonging to the Klamath Agency, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October fourteenth, eighteen hundred and sixty-four, and proclaimed February seventeenth, eighteen hundred and seventy, as confirmed by the Klamath Boundary Commission in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six, and the reservation boundary lines as established by the survey made in eighteen hundred and seventy-one under the authority of the General Land Office, the tract of land hereby ceded and relinquished comprising six hundred and twenty-one thousand eight hundred and twenty-four acres.

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in eighteen hundred and seventy-one, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents ($537,007.20), being at the rate of eighty-six and 36-100 (.86 36-100) cents per acre, the price awarded for said lands by the Klamath Boundary Commissioners in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six.

ARTICLE III.—It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of twenty-five thousand dollars shall be paid in cash, pro rata, share and share alike, to each man, woman, and child belonging to said Klamath and other tribes, and under the jurisdiction of the Klamath Indian Agency, within one hundred and fifty days from and after the date of the ratification of this agreement; and the sum of three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the U. S. Indian agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion, best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision, shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And further provided*, That, in addition to the interest on the fund deposited in the U. S. Treasury, the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed ten per centum per annum of the principal fund, upon a majority of the male adult Indians of Klamath Agency petitioning for same, through the Commissioner of Indian Affairs.

ARTICLE IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency of any benefits to which they are entitled under existing treaties, not inconsistent with the provisions of this agreement.

ARTICLE V. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, U. S. Indian inspector, on the part of the United States, and the male adults of the Klamath and other tribes of Indians belonging to the Klamath Agency, Oregon, have hereunto set their hands and seals at Klamath Indian Agency, Oregon, this twenty-fourth day of October, A. D. nineteen hundred.

JAMES MCLAUGHLIN, [SEAL]
U. S. Indian Inspector.

No.	Age.		
1	44	Rev. Jesse Kirk.	[SEAL.]
2	41	William Crawford.	[SEAL.]
3	42	Joseph Kirk.	[SEAL.]
4	32	Robert Wilson.	[SEAL.]
5	38	Harrison Brown (his x mark).	[SEAL.]
6	31	Eugene Isaacs.	[SEAL.]
7	36	Jack Palmer.	[SEAL.]
8	40	Henry Hoover.	[SEAL.]
9	51	Henry Jackson (his x mark).	[SEAL.]
10	45	John Pitt (his x mark).	[SEAL.]
11	41	Sam Essex (née Isaacs) (his x mark).	[SEAL.]

No.	Age.		
12	33	Lincoln Butler.	[SEAL.]
13	33	Jim Preston.	[SEAL.]
14	30	Ben Wright.	[SEAL.]
15	45	Jack Drew (his x mark).	[SEAL.]
16	53	John Jones (his x mark).	[SEAL.]
17	20	David Chocktoot.	[SEAL.]
18	46	Chas. Brown.	[SEAL.]
19	49	Mose Chaloquin (his x mark).	[SEAL.]
20	53	Jim Copperfield (his x mark).	[SEAL.]
21	43	Charlie Cowen (his x mark).	[SEAL.]
22	51	Logan Pompey (his x mark).	[SEAL.]
23	51	Jo. Weeks (his x mark).	[SEAL.]
24	56	Bob Hook (his x mark).	[SEAL.]
25	56	William Beale (his x mark).	[SEAL.]
26	37	Lee Snipes.	[SEAL.]
27	23	Charley Brown (his x mark).	[SEAL.]
28	23	Johnnie Stokes.	[SEAL.]
29	42	Mose John (his x mark).	[SEAL.]
30	56	Long Wilson (his x mark).	[SEAL.]
31	50	Harvey Wilson (his x mark).	[SEAL.]
32	60	Blind William (his x mark).	[SEAL.]
33	46	Pat Kane (his x mark).	[SEAL.]
34	27	Herbert Nelson.	[SEAL.]
35	36	Ben Butler.	[SEAL.]
36	36	Ab. Captain (his x mark).	[SEAL.]
37	50	Jim Jackson (his x mark).	[SEAL.]
38	61	Pit River George (his x mark).	[SEAL.]
39	46	Albert Hoches (his x mark),	[SEAL.]
40	51	Pit River Dick (his x mark).	[SEAL.]
41	48	Solomon La-Lakes (his x mark).	[SEAL.]
42	36	Frank Hause.	[SEAL.]
43	51	Charley Stokes (his x mark).	[SEAL.]
44	77	Dr. Thompson (his x mark).	[SEAL.]
45	81	Isaac Nekobux (his x mark).	[SEAL.]
46	71	Agency George (his x mark).	[SEAL.]
47	50	Short Bob (his x mark).	[SEAL.]
48	54	Charley Pitt (his x mark).	[SEAL.]
49	25	James Johnson.	[SEAL.]
50	61	Joe Nimrod (his x mark).	[SEAL.]
51	51	Cholah (his x mark).	[SEAL.]
52	51	Henry Jackson (his x mark).	[SEAL.]
53	50	Cola Ball (his x mark).	[SEAL.]
54	56	Pellican Man (his x mark).	[SEAL.]
55	73	Charley Preston (his x mark).	[SEAL.]
56	52	Thomas Skellock (his x mark).	[SEAL.]
57	81	Dr. John (his x mark).	[SEAL.]
58	78	Long John (his x mark).	[SEAL.]
59	76	Andy White (his x mark).	[SEAL.]
60	22	John Lee Ball.	[SEAL.]
61	25	John Duvall.	[SEAL.]
62	23	Wildes Solomon.	[SEAL.]
63	45	O'Tool (his x mark).	[SEAL.]
64	28	Edward Ball.	[SEAL.]
65	30	Hiram Villard.	[SEAL.]
66	46	Stonewall Jackson (his x mark).	[SEAL.]
67	51	Alle Tecumseh (his x mark).	[SEAL.]
68	36	Bright Jim (his x mark).	[SEAL.]
69	48	William Turner Jackson (his x mark).	[SEAL.]
70	34	Dave Copperfield.	[SEAL.]
71	53	Dick Hammond (née Herman) (his x mark).	[SEAL.]
72	51	Jim Hart (his x mark).	[SEAL.]
73	24	Gordon Miller.	[SEAL.]
74	21	Frank Jack.	[SEAL.]
75	80	Chief Le Lu (his x mark).	[SEAL.]
76	71	Hobert Conny (his x mark).	[SEAL.]
77	56	Paddy Ecocsis (his x mark).	[SEAL.]

No.	Age.		
78	44	Simon Isaacs (his x mark).	[SEAL.]
79	51	Johnny Nelson (his x mark).	[SEAL.]
80	41	John Morgan.	[SEAL.]
81	51	James Dowase (his x mark).	[SEAL.]
82	73	Allon David (his x mark).	[SEAL.]
83	62	John Little John (his x mark).	[SEAL.]
84	34	Morris Latches.	[SEAL.]
85	35	Tommy Tecumseh (his x mark).	[SEAL.]
86	41	Frank John (his x mark).	[SEAL.]
87	24	Fred Phillips.	[SEAL.]
88	33	Sargent Brown.	[SEAL.]
89	56	Allen Eggsman (his x mark).	[SEAL.]
90	19	Johnie Jackson.	[SEAL.]
91	18	Joshua Williams.	[SEAL.]
92	20	Fred Hendricks.	[SEAL.]
93	47	Frank Lynch (his x mark).	[SEAL.]
94	40	George Gray.	[SEAL.]
95	37	Jim Twice (his x mark).	[SEAL.]
96	33	Byron Laches.	[SEAL.]
97	46	John Wesley (his x mark).	[SEAL.]
98	76	Henry Blowe (his x mark).	[SEAL.]
99	40	Ike Jackson (his x mark).	[SEAL.]
100	44	Toto Merritt (his x mark).	[SEAL.]
101	35	Elmer Hill.	[SEAL.]
102	61	Whyhilitate (his x mark).	[SEAL.]
103	24	Grover L. Pompey.	[SEAL.]
104	40	William Cowen.	[SEAL.]
105	21	Willie David.	[SEAL.]
106	21	Clyde Pitt.	[SEAL.]
107	21	Kildie Chiloquin.	[SEAL.]
108	55	Henry Brown (his x mark).	[SEAL.]
109	51	Ben John (his x mark).	[SEAL.]
110	19	Joseph Jackson.	[SEAL.]
111	46	Jasen Howard (his x mark).	[SEAL.]
112	29	Arther Tupper.	[SEAL.]
113	27	David Johnson.	[SEAL.]
114	21	James Lalu (his x mark).	[SEAL.]
115	29	Blaine Ben.	[SEAL.]
116	24	Finley Wilson.	[SEAL.]
117	36	William Ball.	[SEAL.]
118	20	Ross Beale.	[SEAL.]
119	19	Victor Nelson.	[SEAL.]
120	19	James Brown.	[SEAL.]
121	21	Mervin Riggs.	[SEAL.]
122	19	Virgil Wilson.	[SEAL.]
123	19	Hugh Johnson.	[SEAL.]
124	19	Shakespeare Hicks.	[SEAL.]
125	22	Harry Wilson.	[SEAL.]
126	18	George Beale.	[SEAL.]
127	18	William Kolkomish.	[SEAL.]
128	47	Henry Weeks (his x mark).	[SEAL.]
129	29	Charles Morgan.	[SEAL.]
130	86	Sam Allen (his x mark).	[SEAL.]
131	37	Dick White.	[SEAL.]
132	44	Burnside Conny (his x mark).	[SEAL.]
133	32	Harry Wright.	[SEAL.]
134	24	William Jonah.	[SEAL.]
135	20	Ward Weeks.	[SEAL.]
136	44	Charley White (his x mark).	[SEAL.]
137	33	Abraham Charley.	[SEAL.]
138	48	Peter M. Sconchin.	[SEAL.]
139	72	Sammy Andy (his x mark).	[SEAL.]
140	66	Modoc Henry (his x mark).	[SEAL.]
141	51	Lionheart (his x mark).	[SEAL.]
142	46	Peter Phillips (his x mark).	[SEAL.]
143	76	Jake Weeks (his x mark).	[SEAL.]
144	42	Robin Hood.	[SEAL.]

No.	Age.		
145	56	Andrew Jackson (his x mark),	[SEAL.]
146	46	Frank Choke Riggs (his x mark).	[SEAL.]
147	56	Alex. Wilson (his x mark).	[SEAL.]
148	28	Levi Walker.	[SEAL.]
149	34	Prim Weeks.	[SEAL.]
150	66	John Snipes (his x mark).	[SEAL.]
151	46	Mike Weeks (his x mark).	[SEAL.]
152	32	Thomas Barkley.	[SEAL.]
153	19	Johnny Jackson.	[SEAL.]
154	18	Joshua Williams.	[SEAL.]
155	20	Harry Jackson.	[SEAL.]
156	19	Gurney Borkly.	[SEAL.]
157	30	Kay Davis.	[SEAL.]
158	24	Roscoe Watah.	[SEAL.]
159	28	Clark Chocktoot.	[SEAL.]
160	43	James Noneo (his x mark).	[SEAL.]
161	45	Bob Godowa (his x mark).	[SEAL.]
162	28	Alex. Miller.	[SEAL.]
163	44	Jim George (his x mark).	[SEAL.]
164	38	Antony Merritt (his x mark).	[SEAL.]
165	44	Drummer David (his x mark).	[SEAL.]
166	20	Clinton Charles.	[SEAL.]
167	71	John Smiley (his x mark).	[SEAL.]
168	71	Doctor McKay (his x mark).	[SEAL.]
169	21	John Weeks.	[SEAL.]
170	40	Samuel Walker.	[SEAL.]
171	29	George Duvall.	[SEAL.]
172	29	Thomas Lang.	[SEAL.]
173	44	Yank Lobert (his x mark).	[SEAL.]
174	81	Mike Elchunks (his x mark).	[SEAL.]
175	39	William Moore.	[SEAL.]
176	21	Roger William.	[SEAL.]
177	56	Pedro (his x mark).	[SEAL.]
178	25	Homer Hutchinson.	[SEAL.]
179	80	Mink Lobert (his x mark).	[SEAL.]
180	28	Jim Willis.	[SEAL.]
181	36	Grant Smith.	[SEAL.]
182	24	Albert Chiloquin.	[SEAL.]
183	19	McClellan Williams.	[SEAL.]
184	18	Warren Copperfield.	[SEAL.]
185	30	Anderson Faithful.	[SEAL.]
186	72	Mark Robinson (his x mark).	[SEAL.]
187	76	Alexander Popumix (his x mark).	[SEAL.]
188	51	Dick Brown (his x mark).	[SEAL.]
189	49	Dan Sconchin (his x mark).	[SEAL.]
190	23	Abel Walker.	[SEAL.]
191	20	Willie Barkley.	[SEAL.]
192	25	Elmer Lynch.	[SEAL.]
193	27	Ernast George.	[SEAL.]
194	49	Dave Sanders (his x mark) (Dave Popumix).	[SEAL.]
195	51	Rube Walker (his x mark).	[SEAL.]
196	65	Modoc George (his x mark) (George Smith).	[SEAL.]
197	48	Modoc Billy (his x mark) (William Harding).	[SEAL.]
198	29	John George (John George Smith).	[SEAL.]
199	55	Charley Faithful (his x mark).	[SEAL.]
200	33	Use George (his x mark).	[SEAL.]

We, the undersigned, do hereby certify that the foregoing agreement between the United States and the Indians of Klamath Agency, Oregon, dated October 24, 1900, was thoroughly explained by us to said Indians; that it was fully understood by them before signing, and that we witnessed the signatures of the Indians by their writing their names or making their marks thereto.

REV. JESSE KIRK,
JOSEPH KIRK,
Interpreters.

KLAMATH AGENCY, OREGON, *October 29, 1900.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian inspector, and of the two hundred (200) male adult Indians of Klamath Agency, Oregon, to the foregoing agreement.

ROBERT C. SPINK.
GEO. W. LOOSLEY.

KLAMATH AGENCY, OREGON, *October 29, 1900.*

I hereby certify that the total number of male adult Indians over eighteen (18) years of age belonging to the Klamath Agency, Oregon, is two hundred and ninety-six (296), of whom two hundred (200) have signed the foregoing agreement.

O. C. APPLEGATE,
U. S. Indian Agent.

KLAMATH AGENCY, OREGON, *October 29, 1900.*

We, the undersigned members of the Klamath and Modoc tribes and Yahooskin Band of Snake Indians, belonging to the Klamath Agency, Oregon, constituting a committee duly appointed by our people to negotiate with James McLaughlin, U. S. Indian inspector, for our relinquishment to the United States of certain lands as per agreement dated October 24th, 1900, do hereby certify that the said agreement was fully understood by us, and also by the Indians who signed the same, and that the signatures of the Indians to said agreement were of their own free will and without undue influence or promise of future reward.

JOSEPH KIRK.
REV. JESSE KIRK.
WILLIAM CRAWFORD.
ROBERT WILSON.
HARRISON BROWN (his x mark).

KLAMATH AGENCY, OREGON, *October 29, 1900.*

UNITED STATES INDIAN SERVICE,
Klamath Agency, Oreg., Nov. 3, 1900.

SIR: Hon. James McLaughlin, United States Indian inspector, arrived at this agency October 8, to take up the long unsettled question indemnifying the Indians for their lands erroneously excluded from the reservation by the boundary survey of 1871. A practical investigation of the question, which necessitated several trips to the excluded areas, consumed several days' time, after which the Indians were convened in council and a complete conclusion was reached on the 24th instant, the third day of the council. The agreement concluded and now signed by the inspector and 200 of the adult male members of the several treaty tribes on the reservation gives great satisfaction, and I trust it will readily meet with your approval and that of the Department, as it provides for the placing of $350,000 in the Treasury, to draw interest at 5 per centum, as heretofore recommended by the Department, and for the expenditure of the greater part of the remainder for the benefit of the Indians in the irrigation and drainage of their lands and in the purchase of young cattle and agricultural implements.

The best interests of the reservation will no doubt be conserved if Congress shall, by the necessary legislation, make this treaty operative, and a judicious and economical application of its beneficial stipulations will greatly develop our fertile reservation and make the Indians not only independent but prosperous.

I would highly commend the faithful, careful manner in which the inspector has done his work. He can rest assured that the agreement he has so happily negotiated with these volatile people, if approved, will inaugurate a new era of prosperity and development on the Klamath Reservation.

I submit herewith a copy of the agreement as completed.

Very respectfully,

O. C. APPLEGATE,
United States Indian Agent.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

A BILL to ratify an agreement with the Indians of the Klamath Indian Reservation in Oregon, and making appropriations to carry the same into effect:

Whereas James McLaughlin, an Indian inspector, for and on behalf of the Secretary of the Interior, under and by virtue of an Act of Congress approved July first, eighteen hundred and ninety-eight (30th United States Statute Laws, page five hundred and seventy-one), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," did, on the twenty-fourth day of October, nineteen hundred, make and conclude an agreement with the Klamath and Modoc tribes and Yahooskin band of Snake Indians residing on the Klamath Indian Reservation in the State of Oregon, which agreement is as follows:

This agreement made and entered into on the twenty-fourth day of October, nineteen hundred, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Indian Agency, in the state of Oregon, witnesseth:

ARTICLE I. The said Klamath and other Indians belonging to the Klamath Agency, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant and convey to the United States all their claim, right, title and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October fourteenth, eighteen hundred and sixty-four, and proclaimed February seventeenth, eighteen hundred and seventy, as confirmed by the Klamath Boundary Commission in their report to the Secretary of the Interior dated December eighteenth, eighteen hundred and ninety-six, and the reservation boundary lines as established by the survey made in eighteen hundred and seventy-one under the authority of the General Land Office, the tract of land hereby ceded and relinquished comprising six hundred and twenty-one thousand eight hundred and twenty-four acres.

ARTICLE II. In consideration of the land ceded, relinquished and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the out-boundaries of their reservation in eighteen hundred and seventy-one, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of Five hundred and thirty-seven thousand and seven dollars and twenty cents ($537,007.20), being at the rate of eighty-six and 36/100 (.86 36/100) cents per acre; the price awarded for said lands by the Klamath Boundary Commissioners in their report to the Secretary of the Interior dated December eighteenth, eighteen hundred and ninety-six.

ARTICLE III. It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of twenty five thousand dollars shall be paid in cash pro rata, share and share alike, to each man, woman and child belonging to said Klamath and other tribes and under the jurisdiction of the Klamath Indian Agency, within one hundred and fifty days from and after the date of the ratification of this agreement, and the sum of three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the U. S. Indian Agent, in the drainage and irrigation of their lands, and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion, best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision, shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And provided further*, That, in addition to the interest on the fund deposited in the U. S. Treasury, the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed ten per centum per annum of the principal fund, upon a majority of the male adult Indians of Klamath Agency petitioning for same, through the Commissioner of Indian Affairs.

ARTICLE IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency, of any benefits

to which they are entitled under existing treaties, not inconsistent with the provisions of this agreement.

ARTICLE V. This agreement shall take effect and be in force when signed by U. S. Indian Inspector, James McLaughlin, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the male adults of the Klamath and other tribes of Indians belonging to the Klamath Agency, Oregon, have hereunto set their hands and seals at Klamath Indian Agency, Oregon, this twenty-fourth day of October, A. D. nineteen hundred.

JAMES MCLAUGHLIN (SEAL)
U. S. Indian Inspector.

Rev. Jesse Kirk, William Crawford, Joseph Kirk, Robert Wilson, Harrison Brown (his x mark), Eugene Isaacs, Jack Palmer, Henry Hoover, Henry Jackson (his x mark), John Pitt (his x mark), Sam Essex (nee Isaacs) (his x mark), Lincoln Butler, Jim Preston, Ben Wright, Jack Drew (his x mark), John Jones (his x mark), David Chocktoot, Chas. Brown, Mose Chaloquin (his x mark), Jim Copperfield (his x mark), Charlie Cowen (his x mark), Logan Pompey (his x mark), Jo. Weeks (his x mark), Bob Hook (his x mark), William Beale (his x mark), Lee Snipes, Charley Brown (his x mark), Johnnie Stokes, Mose John (his x mark), Long Wilson (his x mark), Harvey Wilson (his x mark), Blind William (his x mark), Pat Kane (his x mark) Herbert Nelson, Ben Butler, Ab. Captain (his x mark), Jim Jackson (his x mark), Pit River George (his x mark), Albert Hoches (his x mark), Pit River Dick (his x mark), Solomon La-Lakes (his x mark), Frank Hause, Charley Stokes (his x mark), Dr. Thompson (his x mark), Isaac Nekobux (his x mark), Agency George (his x mark), Short Bob (his x mark), Charley Pitt (his x mark), James Johnson, Joe Nimrod (his x mark), Cholah (his x mark), Henry Jackson (his x mark), Cola Ball (his x mark), Pellican Man (his x mark), Charley Preston (his x mark), Thomas Skellock (his x mark), Dr. John (his x mark), Long John (his x mark), Andy White (his x mark), John Lee Ball, John Duvall, Wildes Solomon, O'Tool (his x mark), Edward Ball, Hiram Villard, Stonewall Jackson, (his x mark), Alle Tecumseh (his x mark), Bright Jim (his x mark), William Turner Jackson (his x mark, Dave Copperfield, Dick Hammond, nee Herman (his x mark), Jim Hart (his x mark), Gordon Miller, Frank Jack, Chief Le Lu (his x mark), Hobert Conny (his x mark), Paddy Ecocsis (his x mark), Simon Isaacs (his x mark), Johnny Nelson (his x mark), John Morgan, James Dowase (his x mark), Allen David (his x mark), John Little John (his x mark), Morris Latches, Tommy Tecumseh (his x mark), Frank John (his x mark), Fred Phillips, Sargent Brown, Allen Eggsman (his x mark), Johnie Jackson, Joshua Williams, Fred Hendricks, Frank Lynch (his x mark), George Gray, Jim Twice (his x mark), Byron Latches, John Wesley (his x mark), Henry Blowe (his x mark), Ike Jackson (his x mark), Toto Merritt (his x mark), Elmer Hill, Whyhilitate (his x mark), Grover L. Pompey, William Cowan, Willie David, Clyde Pitt, Kildie Chiloquin, Henry Brown (his x mark), Ben John (his x mark), Joseph Jackson, Jasen Howard (his x mark), Arther Tupper, David Johnson, James Lalu (his x mark), Blaine Ben, Finley Wilson, William Ball, Ross Beale, Victor Nelson, James Brown, Mervin Riggs, Virgil Wilson, Hugh Johnson, Shakespeare Hicks, Harry Wilson, George Beale, William Kolkomish, Henry Weeks (his x mark), Charles Morgan, Sam Allen (his x mark), Dick White, Burnside Conny (his x mark), Harry Wright, William Jonah, Ward Weeks, Charley White (his x mark), Abraham Charley, Peter M. Sconchin, Sammy Andy (his x mark), Modoc Henry (his x mark), Lionheart (his x mark), Peter Phillips (his x mark), Jake Weeks (his x mark), Robin Hood, Andrew Jackson (his x mark), Frank Choke Riggs (his x mark), Alex. Wilson (his x mark), Levi Walker, Prim Weeks, John Snipes (his x mark), Mike Weeks (his x mark), Thomas Barkley, Johnny Jackson, Joshua Williams,

Harry Jackson, Gurney Borkly, Kay Davis, Roscoe Watah, Clark Chocktoot, James Noneo (his x mark), Bob Godowa (his x mark), Alex. Miller, Jim George (his x mark), Antony Merritt (his x mark), Drummer David (his x mark), Clinton Charles, John Smiley (his x mark), Doctor McKay (his x mark), John Weeks, Samuel Walker, George Duvall, Thomas Lang, Yank Lobert (his x mark), Mike Elchunks (his x mark), William Moore, Roger William, Pedro (his x mark), Homer Hutchinson, Mink Lobert (his x mark), Jim Willis, Grant Smith, Albert Chiloquin, McClellan Williams, Warren Copperfield, Anderson Faithful, Mark Robinson (his x mark), Alexander Popumix (his x mark), Dick Brown (his x mark), Dan Sconchin (his x mark), Abel Walker, Willie Barkley, Elmer Lynch, Ernast George; Dave Sanders (his x mark) (Dave Popumix); Rube Walker (his x mark); Modoc George (his x mark) (George Smith); Modoc Billy (his x mark) William Harding; John George (John George Smith); Charley Faithful (his x mark), Use George (his x mark).

(A seal is affixed to each of the foregoing signatures.)

We, the undersigned, do hereby certify that the foregoing agreement between the United States and the Indians of Klamath Agency, Oregon, dated October 24, 1900, was thoroughly explained by us to said Indians; that it was fully understood by them before signing, and that we witnessed the signatures of the Indians by their writing their names or making their marks thereto.

Rev. Jesse Kirk,
Joseph Kirk,
Interpreters.

Klamath Agency, Oregon, *October 29, 1900.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian inspector, and of the two hundred (200) male adult Indians of Klamath Agency, Oregon, to the foregoing agreement.

Robert C. Spink.
Geo. W. Loosley.

Klamath Agency, Oregon, *October 29, 1900.*

I hereby certify that the total number of male adult Indians over eighteen (18) years of age belonging to the Klamath Agency, Oregon, is two hundred and ninety-six (296), of whom two hundred (200) have signed the foregoing agreement.

O. C. Applegate,
U. S. Indian Agent.

Klamath Agency, Oregon, *October 29, 1900.*

We, the undersigned members of the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Agency, Oregon, constituting a committee duly appointed by our people to negotiate with James McLaughlin, U. S. Indian inspector, for our relinquishment to the United States of certain lands, as per agreement dated October 24th, 1900, do hereby certify that the said agreement was fully understood by us and also by the Indians who signed the same, and that the signatures of the Indians to said agreement were of their own free will and without under influence or promise of future reward.

Joseph Kirk.
Rev. Jesse Kirk.
William Crawford.
Robert Wilson.
Harrison Brown (his x mark).

Klamath Agency, Oregon, *October 29, 1900.*

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Sec. 2. That for the purpose of carrying the provisions of said agreement into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, of which amount the sum of three hundred and fifty thousand

dollars shall be placed to the credit of the Indians of the Klamath Agency, in the State of Oregon, in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum. The remainder of said sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, after the payment of the legal fees of attorneys having duly approved contracts, together with the interest on said sum of three hundred and fifty thousand dollars, shall be paid to said Indians or expended for their benefit as provided in article three of said agreement: *Provided,* That the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed ten per centum per annum of the principal fund, upon a majority of the male adult Indians of said Klamath Agency petitioning for the same through the Commissioner of Indian Affairs.

Certified list of lands entered by citizens of the United States, by the Oregon Central Military Wagon Road Company, and by the State of Oregon on the tract excluded from the Klamath Reservation by the erroneous survey made in 1871.

Description of tract.				Contents.	Name of purchaser.
Part of section.	Section.	Township.	Range.		
				Acres.	
All	25	28	7	640	Oreg. C. M. Wagon Road, acts of Congress, July 21, 1864; Mar. 3, 1869.
All	27	28	7	640	Do.
E. ½	33	28	7	320	Do.
All	35	28	7	640	Do.
All	27	28	8	640	Do.
All	29	28	8	640	Do.
All	31	28	8	640	Do.
All	33	28	8	640	Do.
All	35	28	8	640	Do.
All	31	28	9	640	Do.
All	1	29	7	640	Do.
All	3	29	7	640	Do.
All	1	29	8	640	Do.
All	3	29	8	640	Do.
All	5	29	8	640	Do.
SE. ¼ of SE. ¼	24	30	13	40	C. E. No. 1200, C. Morrison.
NE. ¼ of NE. ¼	25	30	13	40	Do.
W. ½ of NE. ¼, SE. ¼ of NW. ¼	25	30	13	120	C. E. No. 1713, A. G. Geyer.
W. ½ of SW. ¼, SW. ¼ of SW. ¼	25	30	13	160	F. H. E. 618, C. Morrison.
SE. ¼ of SE. ¼	26	30	13		
SW. ¼ of SE. ¼	15	30	14	160	State of Or. Ind. School, list No. 6.
SE. ¼ of SW. ¼	18	30	14		
W. ½ of NW. ¼, NE. ¼ of NW. ¼	19	30	14		F. H. E. 412, A. Egle.
SW. ¼ of	19	30	14	160	C. E. 746, Emil Agli.
S. ½ of SE. ¼	19	30	14	80	F. D. E. 112, A. Egli.
E. ½ of SE. ¼	20	19	30	80	Ind. School, list No. 6.
SW. ¼	28	19	30	160	C. E. 809, A. R. Ressman.
W. ½ of NW. ¼	28	19	30	160	C. E. 1359, A. B. Schroeder.
E. ½ of NE. ¼	29	19	30		Do.
SW. ¼ of SE. ¼	29	19	30	40	F. H. E. 393, A. R. Ressman.
N. ½ of SW. ¼, N. ½ of SE. ¼, SE. ¼ of SE. ¼	29	19	30	200	Ind. School, list No. 6.
NE. ¼, E. ½ of NW. ¼	30	19	30	240	F. D. E. No. 112, A. Egli.
Lot 1	30	19	30	40	C. E. 1200, C. Morrison.
Lot 2	30	19	30	40	Ind. School, list No. 7.
W. ½ of NE. ¼, SE. ¼ of NE. ¼	32	19	30	120	F. H. E. 393, A. R. Ressman.
NE. ¼ of NE. ¼	32	19	30	40	Ind. School, list No. 6.
N. ½ of NW. ¼	33	19	30	80	Do.
NE. ¼	28	30	15	160	E. E. 1658, W. A. Sherlock.
W. ½ of NE. ¼, N. ½ of SE. ¼	33	30	15	160	C. E. 1657, W. J. D. Sherlock.
S. ½ NW. ¼, N. ½ of SW. ¼	4	31	14	160	C. E. 1489, W. H. Hayes,
S. ½ SW. ¼, SW. ¼ of SE. ¼	4	31	14	120	C. E. 1490, J. M. Hager.
NW. ¼ of NE. ¼	9	31	14	40	Do.
SE. ¼ of SE. ¼	24	31	14	40	Ind. School, list No. 6.
NE. ¼ of NE. ¼	25	31	14	40	Do.
W. ½ of SW. ¼	27	31	14	80	App. Swamp, L. No. 18.
S. ½, NW. ¼, S. ½ of NE. ¼	28	31	14	560	Do.
All	29	31	14	640	Do.
E. ½, E. ½ of SW. ¼, SE. ¼ of NW. ¼	30	31	14	440	Do.
E. ½, E. ½ of W. ½	31	31	14	480	Do.
All	32	31	14	640	Do.
All	33	31	14	640	Do.
NW. ¼, W. ½ of SW. ¼, SE. ¼ of SW. ¼	34	31	14	280	Do.
W. ½ of E. ½	34	31	14	160	C. E., 1769, A. G. B. Schroeder.
SE. ¼ of NE. ¼, NE. ¼ of SE. ¼	34	31	14	80	F. H. E., 217, A. G. B. Schroeder.
SW. ¼ of NW. ¼, NW. ¼ of SW. ¼	35	31	14	80	
SW. ¼	24	31	15	160	H. E., 2170, C. C. Harris.

Certified list of lands entered by citizens of the United States, by the Oregon Central Military Wagon Road Company, and the State of Oregon, etc.—Continued.

Description of tract.				Contents.	Name of purchaser.
Part of section.	Section.	Township.	Range.		
				Acres.	
SW.¼ of SE.¼	29	31	15	40	Ind. school L., No. 6.
SW.¼ of NE.¼, lot 2, SE.¼ NW.¼	3	32	14	120	T. C., 1189, B. F. Bull.
NE.¼ of SW.¼	3	32	14	40	
SW.¼ of SW.¼	3	32	14	40	C. E., 1689, W. D. West.
N.½ of NW.¼, SW.¼ of NW.¼, NW.¼ of SW.¼.	3	32	14	160	App. swamp land.
All	4	32	14	640	Do.
All	5	32	14	640	Do.
All	6	32	14	640	Do.
All	7	32	14	640	Do.
All	8	32	14	640	Do.
W.½ of NW.¼, NW.¼ of SW.¼, NW.¼ of NE.¼	9	32	14	160	Do.
S.½ of SW.¼, NE.¼ of SW.¼, SW.¼ of SE.¼	9	32	14	160	Ind. school list, No. 7.
S.½ of NE.¼, N.½ of SE.¼	9	32	14	120	C. E., 1690, F. V. De Costa.
SE.¼ of SE.¼	9	32	14	40	C. E., 1348, W. B. King.
NE.¼ of NE.¼	9	32	14	40	C. E., 1689, W. D. West.
N.½ of NW.¼	10	32	14	80	Do.
S.½ of SW.¼, SW.¼ of SE.¼	10	32	14	120	C. E., 1348, W. B. King.
NE.¼ of SW.¼, NW.¼ of SE.¼	10	32	14	80	Ind. school list, No. 7.
N.½ of NW.¼, W.½ of NE.¼, NW.¼ of SE.¼	17	32	14	160	App. swamp.
S.½ of SW.¼ NE.¼ of SW.¼	17	32	14	120	Do.
E.½ of E.½, SW.¼ of SE.¼	17	32	14	200	Ind. school, No. 7.
All	18	32	14	640	App. swamp.
N.½, SW.¼, N.½ of SE.¼	19	32	14	560	Do.
S.½ of SE.¼	19	32	14	80	Ind. school list, No. 7.
W.½ of NW.¼, NW.¼ of SW.¼, NE.¼ of NW.¼.	20	32	14	160	App. swamp.
E.½ of NE.¼, SE.¼ of SE.¼	20	32	14	120	Ind. school No. 7.
E.½ of SW.¼, W.½ of SE.¼, NE.¼ of SE.¼	20	32	14	200	T. D. E. 108, Frank De Costa.
SW.¼, SW.¼ of NW.¼, S.½ of SE.¼	21	32	14	280	Ind. school No. 7.
NW.¼ of SE.¼	21	32	14	40	Do.
N.½ of NW.¼, SE.¼ of NW.¼, SW.¼ of NE.¼	21	32	14	160	C. E. No. 745, J. Q. Adams.
N.½ of NE.¼, SE.¼ of NE.¼, NE.¼ of SE.¼	21	32	14	160	C. E. No. 1369, F. De Costa.
SW.¼ of SW.¼	26	32	14	40	Ind. school No. 6.
Lots 1 and 2	30	32	14	80	Approved swamp.
E.½ of NW.¼, W.½ of NE.¼, NW.¼ of SE.¼	30	32	14	200	Ind. school list, No. 7.
NE.¼ of SW.¼, lots 3 and 4	30	32	14	121	Do.
SE.¼ of SE.¼	5	32	15	40	Ind. school list, No. 6.
E.½ of SW.¼, SW.¼ of SE.¼	10	33	14	120	C. E. 1593, J. H. Klippel.
SW.¼ of SW.¼	11	33	14	40	Ind. school No. 6.
NE.¼ of NW.¼	15	33	14	40	C. E. 1593, J. H. Klippel
SE.¼ of NW.¼	19	33	14	40	Ind. school No. 6.
SE.¼ of NE.¼	23	33	14	40	Do.
NW.¼ of NE.¼	26	33	14	40	Do.
S.½ of SE.¼	2	33	15	80	Hd. E. 2006, J. M. Welsh.
N.½ of NE.¼	11	33	15	80	Do.
E.½ of NW.¼, SW.¼ of NW.¼, NE.¼ of SW.¼.	20	34	16	160	F. H. E. 604, E. N. Walker
W.½ of NW.¼, NE.¼ of NW.¼, NW.¼ of NE.¼.	33	34	16	160	C. E. 1687, L. G. Thomas.
All	6	35	14	640	Agcl. coll. land (act June 4, 1872).
NE.¼ of SE.¼	7	35	14	40	H. E. 2143, Frank Obenchain.
W.½ of NW.¼, NW.¼ of SW.¼	8	35	14	120	Do.
W.½ of SW.¼	15	35	14	80	F. H. 748, W. J. Moore.
All	18	35	14	640	Agcl. coll. land.
SE.¼ of SW.¼	19	35	14	40	F. H. 579, M. Obenchain (act June 4, 1872).
NE.¼ of NE.¼	21	35	14	40	F. H. 748, W. J. Moore.
NW.¼ of NW.¼	22	35	14	40	Do.
E.½ of NE.¼, E.½ of SE.¼	22	35	14	160	H. E. 1644, F. Graney.
W.½ of NW.¼, NE.¼ of NW.¼	29	35	14	120	F. H. 579, M. Obenchain.
All	30	35	14	640	Agcl. coll. land (act June 4, 1872).
All	31	35	14	640	Oreg. Central M. W. Road.
SW.¼	32	35	14	160	H. E. 1767, D. A. Presley.
All	33	35	14	640	Oreg. Central M. Road.
All	35	35	14	640	Do.
SW.¼	1	36	14	160	Do.
All	3	36	14	640	Do.
All	4	36	14	640	Agcl. coll. land (act June 4, 1872).
All	5	36	14	640	Oreg. C. M. Road.
All	6	36	14	640	Agcl. coll. land (act June 4, 1872).
All	7	36	14	640	Oreg. C. M. Road.

Certified list of lands entered by citizens of the United States, by the Oregon Central Military Wagon Road Company, and the State of Oregon, etc.—Continued.

Description of tract.				Contents.	Name of purchaser.
Part of section.	Section.	Township.	Range.		
				Acres.	
All	8	36	14	640	Agcl. coll. land (act June 4, 1872).
All	10	36	14	640	Do.
All	14	36	14	640	Do.
All	18	36	14	640	Do.
All	20	36	14	640	Do.
All	22	36	14	640	Do.
W.½	24	36	14	320	Do.
All	26	36	14	640	Do.
All	28	36	14	640	Do.
All	30	36	14	640	Do.
All	32	36	14	640	Do.
All	34	36	14	640	Do.
All	9	36	14	640	Oreg. Central M. W. Road
All	11	36	14	640	Do.
All	13	36	14	640	Do.
All	15	36	14	640	Do.
All	17	36	14	640	Do.
All	19	36	14	640	Do.
All	21	36	14	640	Do.
All	23	36	14	640	Do.
All	25	36	14	640	Do.
All	27	36	14	640	Do.
All	29	36	14	640	Do.
N.½ of N.½	31	36	14	160	Do.
All	33	36	14	640	Do.
All	35	36	14	640	Do.
W.½	7	36	15	320	Do.
W.½	17	36	15	320	Do.
All	19	36	15	640	Do.
S.½ of NW.¼	21	36	15	480	Do.
SW.¼ of SE.¼	17	36	15	40	H. E. 1763, C. Moos.
S.½ of NW.¼, N.½ of SW.¼	18	36	15	160	F. H. E. 392, G. Schwenck.
W.½ of NE.¼, NE.¼ of NE.¼	20	36	15	120	H. E. 1763, C. Moos.
E.½ of NW.¼, NW.¼ of NW.¼, NE.¼ of SW.¼.	20	36	15	160	C. E. 980, J. F. E. Winter.
S.½ of NW.¼	27	36	15	480	Oreg. Central M. W. Road.
All	29	36	15	640	Do.
All	31	36	15	640	Do.
All	33	36	15	640	Do.
S.½ of NW.¼	35	36	15	480	Do.
All	1	37	14	640	Do.
SW.¼	3	37	14	160	Agcl. coll. land.
N.½ of SE.¼	3	37	14	480	Oregon Central M. W. Road.
All	2	37	14	640	Agcl. coll. land.
E.½ of NE.¼	10	37	14	80	C. E. 1175, G. Findley.
N.½, N.½ of SE.¼, SE.¼ of SE.¼	11	37	14	440	Oreg. Central M. W. Road.
N.½ of SW.¼, SE.¼ of SW.¼, SW.¼ of SE.¼.	11	37	14	160	H. E. 2189, A. Antone.
SW.¼ of SW.¼	11	37	14	40	C. E. 195, R. Taylor.
All	12	37	14	640	Agcl. coll. land.
E.½	13	37	14	320	Oregon Central M. W. Road.
S.½ of SW.¼	13	37	14	80	App. Swamp.
E.½ of SE.¼, NW.¼ of SE.¼, SW.¼ of NE.¼.	14	37	14	160	Do.
N.½ of NW.¼, NW.¼ of NE.¼	14	37	14	120	C. E. No. 195, R. Taylor.
SE.¼ of NW.¼, N.½ of SW.¼, SW.¼ of SW.¼.	14	37	14	160	C. E. 188, J. Taylor.
NE.¼ of SE.¼	20	37	14	40	C. E. 1744, M. E. McGuire.
W.½ of SW.¼	21	37	14	80	Do.
N.½	24	37	14	320	Agcl. coll. land.
All	28	37	14	640	Do.
S.½ of NW.¼	1	37	15	480	Oreg. Central M. W. Road.
All	5	37	15	640	Do.
NW.¼	6	37	15	160	F. H. E., F. E. Howard.
SW.¼	6	37	15	160	F. H. E. 75, H. H. Bleecher.
SE.¼	6	37	15	160	C. E. 409, G. Schwenck.
All	7	37	15	640	Oreg. Central M. W. Road.
N.½ of NW.¼, SE.¼ of NW.¼, NW.¼ of NE.¼.	8	37	15	160	F. H. 749, H. Findley.
All	17	37	15	640	Oreg. Central M. W. Road.
N.½	19	37	15	320	Do.
E.½ of NE.¼	1	33	16	80	C. E. No. 240, W. A. Currier.

We, the undersigned register and receiver, do hereby certify that the foregoing list of lands are within the boundary lines of the location as determined by the commission appointed September 28–30, 1896, and the present boundary line as established.

W. A. WILSHIRE, *Register.*
HARRY BAILEY, *Receiver.*

DECEMBER 8, 1898.

O

C. Hart Merriam
HARRIMAN FUND

Government Document : Utah Expedition 1858

C. Hart Merriam
Papers
BANC MSS
80/18 c

35TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 71.

THE UTAH EXPEDITION.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Reports from the Secretaries of State, of War, of the Interior, and of the Attorney General, relative to the military expedition ordered into the Territory of Utah.

FEBRUARY 26, 1858.—Referred to the Committee on Territories.

To the House of Representatives:

I herewith transmit to the House of Representatives the reports of the Secretaries of State, of War, of the Interior, and of the Attorney General, containing the information called for by a resolution of the House, of the 27th ultimo, requesting "the President, if not incompatible with the public interest, to communicate to the House of Representatives the information which gave rise to the military expeditions ordered to Utah Territory, the instructions to the army officers in connexion with the same, and all correspondence which has taken place with said army officers, with Brigham Young and his followers, or with others, throwing light upon the question as to how far said Brigham Young and his followers are in a state of rebellion or resistance to the government of the United States."

JAMES BUCHANAN.

WASHINGTON CITY, *February* 26, 1858.

DEPARTMENT OF STATE,
Washington, February 3, 1858.

The Secretary of State, to whom was referred the resolution of the House of Representatives, of the 27th ultimo, requesting "the President, if not incompatible with the public interest, to communicate to the House of Representatives the information which gave rise to the military expedition ordered to Utah Territory, the instructions to the

army officers in connexion with the same, and all correspondence which has taken place with said army officers, with Brigham Young and his followers, or with others, throwing light upon the question as to how far said Brigham Young and his followers are in a state of rebellion or resistance to the government of the United States," has the honor to report that the only document on record or on file in this department, touching the subject of the resolution, is the letter of Mr. W. M. F. Magraw to the President, of the 3d of October last, a copy of which is hereunto annexed.

Respectfully submitted.

LEWIS CASS.

The PRESIDENT OF THE UNITED STATES.

Mr. Magraw to the President.

INDEPENDENCE, MISSOURI, *October* 3, 1856.

Mr. PRESIDENT: I feel it incumbent upon me as a personal and political friend, to lay before you some information relative to the present political aud social condition of the Territory of Utah, which may be of importance.

There is no disguising the fact, that there is left no vestige of law and order, no protection for life or property; the civil laws of the Territory are overshadowed and neutralized by a so-styled ecclesiastical organization, as despotic, dangerous and damnable, as has ever been known to exist in any country, and which is ruining not only those who do not subscribe to their religious code, but is driving the moderate and more orderly of the Mormon community to desperation. Formerly, violence committed upon the rights of persons and property were attempted to be justified by some pretext manufactured for the occasion, under color of law as it exists in that country. The victims were usually of that class whose obscurity and want of information necessary to insure proper investigation and redress of their wrongs were sufficient to guarantee to the perpetrators freedom from punishment. Emboldened by the success which attended their first attempts at lawlessness, no pretext or apology seems *now* to be deemed requisite, nor is any class exempt from outrage; all alike are set upon by the self constituted theocracy, whose laws, or rather whose conspiracies, are framed in dark corners, promulgated from the stand of tabernacle or church, and executed at midnight, or upon the highways, by an organized band of bravos and assassins, whose masters compel an outraged community to tolerate in their midst. The result is that a considerable and highly respectable portion of the community, known from the Atlantic to the Pacific, whose enterprise is stimulated by a laudable desire to improve their fortunes by honorable exertions, are left helpless victims to outrage and oppression, liable at any moment to be stripped of their property or deprived of life, without the ability to put themselves under the protection of law, since all the courts that exist there at present are converted into engines and instruments of injustice.

For want of time I am compelled thus to generalize, but particular cases, with all the attendant circumstances, names of parties and localities are not wanting to swell the calendar of crime and outrage to limits that will, when published, startle the conservative people of the States, and create a clamor which will not be readily quelled; and I have no doubt that the time is near at hand, and the elements rapidly combining to bring about a state of affairs which will result in indiscriminate bloodshed, robbery and rapine, and which in a brief space of time will reduce that country to the condition of a howling wilderness.

There are hundreds of good men in the country, who have for years endured every privations from the comforts and enjoyments of civilized life, to confront every description of danger for the purpose of improving their fortunes. These men have suffered repeated wrong and injustice, which they have endeavored to repair by renewed exertions, patiently awaiting the correction of outrage by that government which it is their pride to claim citizenship under, and whose protection they have a right to expect; but they now see themselves liable, at any moment, to be stripped of their hard earned means, the lives of themselves and their colleagues threatened and taken; ignominy and abuse, heaped upon them day after day, if resented, is followed by murder.

Many of the inhabitants of the Territory possess passions and elements of character calculated to drive them to extremes, and have the ability to conceive and the courage to carry out the boldest measures for redress, and I know that they will be at no loss for a leader. When such as these are driven by their wrongs to vindicate, not only their rights as citizens, but their pride of manhood, the question of disparity in numerical force is not considered among their difficulties, and I am satisfied that a recital of their grievances would form an apology, if not a sufficient justification, for the violation on their part of the usages of civilized communities.

In addressing you, I have endeavored to discard all feelings arising from my personal annoyances in the Mormon country, but have desired to lay before you the actual condition of affairs, and to prevent, if possible, scenes of lawlessness which, I fear, will be inevitable unless speedy and powerful preventives are applied. I have felt free to thus address you, from the fact that some slight requests made of me when I last left Washington, on the subject of the affairs of Kansas, justified me in believing that you had confidence in my integrity, and that what influence I could exert would not be wanting to terminate the unfortunate difficulties in that Territory; I have the pleasure of assuring you that my efforts were not spared.

With regard to the affairs and proceedings of the probate court, the only existing tribunal in the Territory of Utah, there being but one of the three federal judges now in the Territory, I will refer you to its records, and to the evidence of gentlemen whose assertions cannot be questioned; as to the treatment of myself, I will leave that to the representation of others; at all events, the object I have in view, the end I wish to accomplish for the general good, will preclude my wearying you with a recital of them at present.

I have the honor to be very truly yours, &c.

W. M. F. MAGRAW.

WAR DEPARTMENT,
Washington, February 15, 1858.

SIR: I have the honor to transmit, herewith, copies of the correspondence called for by a resolution of the House of Representatives of the 27th January last, requesting the President to furnish that body with the information which gave rise to the military expeditions ordered to Utah Territory. The instructions to the army officers in connexion with the same, and all correspondence which has taken place with said army officers, with Brigham Young and his followers, or with others, throwing light upon the question as to how far said Brigham Young and his followers are in a state of rebellion or resistance to the government of the United States, so far as the same is afforded by the files of this department.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

The PRESIDENT OF THE UNITED STATES.

CIRCULAR.

To the Adjutant General, Quartermaster General, Commissary General, Surgeon General, Paymaster General, and Chief of Ordnance.

HEADQUARTERS OF THE ARMY,
May 28, 1857.

Orders having been dispatched in haste for the assemblage of a body of troops at Fort Leavenworth, to march thence to Utah as soon as assembled. The general-in-chief, in concert with the War Department, issues the following instructions, to be executed by the chiefs of the respective staff departments, in connexion with his general orders of this date:

1. The force—2d dragoons, 5th infantry, 10th infantry and Phelps' battery of the 4th artillery—to be provided with transportation and supplies, will be estimated at not less than 2,500 men.

2. The Adjutant General will, in concert with the chiefs of the respective departments, issue the necessary orders for assigning to this force a full complement of disbursing and medical officers, an officer of ordnance and an Assistant Adjutant General, if the latter be required.

He will relieve Captains Phelps' 4th artillery and Hawes' 2d dragoons from special duty, and order them to join their companies. He will also give the necessary orders for the movement of any available officers, whose services may be desired by the Quartermaster General or Commissary General in making purchases. Lieutenant Col. Taylor and Brevet Major Waggaman will be ordered to exchange stations.

All available recruits are to be assigned to the above named regiments up to the time of departure.

3. About 2,000 head of beef cattle must be procured and driven to Utah.

Six months' supply of bacon (for two days in the week) must be sent—desiccated vegetables in sufficient quantity to guard the health of the troops for the coming winter.

4. Arrangements will be made for the concentration and temporary halt of the 5th infantry at Jefferson Barracks.

The squadron of dragoons at Fort Randall taking their horse equipments with them will leave their horses at that post, and a remount must be provided for them at Fort Leavenworth. Also, horses must be sent out to the squadron at Fort Kearny, and the whole regiment, as also Phelps' battery, brought to the highest point of efficiency.

Besides the necessary trains and supplies, the quartermaster's department will procure for the expedition 250 tents of Sibley's pattern, to provide for the case that the troops shall not be able to hut themselves the ensuing winter. Storage tents are needed for the like reason. Stoves enough to provide, at least, for the sick, must accompany the tents.

5. The Surgeon General will cause the necessary medical supplies to be provided, and requisition made for the means of transporting them with the expedition.

6. The chief of ordnance will take measures immediately to put in position for the use of this force, three travelling forges and a full supply of ammunition, and will make requisition for the necessary transportation of the same.

WINFIELD SCOTT.

[Quadruplicate for the information of the Adjutant General.]

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

The 5th infantry is ordered to proceed immediately to join you from Jefferson barracks. As soon as it, and the body of the 10th arrive, proceed to your destination without unnecessary delay.

A letter of instructions to you goes by to-day's mail, and the general order for the movement will follow immediately.

By command of Brevet Lieutenant General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

Brevet Brigadier General W. S. HARNEY,
Commanding, &c., at Fort Leavenworth.

(To be sent to western Missouri.)

A duplicate to be sent to St. Louis, Missouri, to the care of Lieutenant Colonel Crossman, deputy quartermaster general.

Triplicate by mail.

[Triplicate for the information of the Adjutant General.]

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

The 5th infantry will proceed without delay to Fort Leavenworth. See that the telegraphs of to-day to General Harney and to the commander of the 5th infantry, sent to your care, are immediately sent to them.

By command of Brevet Lieutenant General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

Lieutenant Colonel G. H. CROSSMAN,
Deputy Quartermaster General, U. S. A., St. Louis, Missouri.
Duplicate by mail.

[Triplicate for the information of the Adjutant General.]

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

Proceed with the 5th infantry without delay to Fort Leavenworth.

By command of Brevet Lieutenant General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

The COMMANDER OF THE 5TH INFANTRY,
Jefferson Barracks, care of Lieutenant Colonel G. H. Crossman,
Deputy Quartermaster General, St. Louis, Missouri.
Duplicate by mail.

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

SIR: By direction of the general-in-chief the following postscript was added to the letter of instructions this day despatched to Brigadier General Harney, and is respectfully communicated for the information of the War Department.

P. S. "The general-in-chief (in my letter of the 26th instant) has already conveyed to you as a suggestion, not an order nor even a recommendation, that it might be well to send forward in advance a part of your horse to Fort Laramie, there to halt and be recruited in strength by rest and by grain before the main body comes up.

"Respectfully,

"G. W. LAY,
"*Lieutenant Colonel, A. D. C.*"

I am, sir, very respectfully, your obedient servant,

GEORGE W. LAY.
Lieutenant Colonel, A. D. C.

Colonel S. COOPER,
Adjutant General.

HEADQUARTERS OF THE ARMY,
New York, June 29, 1857.

SIR: The letter which I addressed to you in the name of the general-in-chief, on the 28th ultimo; his circular to the chiefs of staff departments, same date; his general orders No. 8, current series, and another now in press, have indicated your assignment to the command of an expedition to Utah Territory, and the preparatory measures to be taken.

The general-in-chief desires me to add in his name the following instructions, prepared in concert with the War Department, and sanctioned by its authority, whenever required.

The community and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States. A new civil governor is about to be designated, and to be charged with the establishment and maintenance of law and order. Your able and energetic aid, with that of the troops to be placed under your command, is relied to insure the success of his mission.

The principles by which you should be guided have been already indicated in a somewhat similar case, and are here substantially repeated.

If the governor of the Territory, finding the ordinary course of judicial proceedings of the power vested in the United States' marshals and other proper officers inadequate for the preservation of the public peace and the due execution of the laws, should make requisition upon you for a military force to aid him as a *posse comitatus* in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as may be required; or should the governor, the judges, or marshals of the Territory find it necessary directly to summon a part of your troops, to aid either in the performance of his duties, you will take care that the summons be promptly obeyed. And in no case will you, your officers or men, attack any body of citizens whatever, except on such requisition or summons, or in sheer self-defence.

In executing this delicate function of the military power of the United States the civil responsibility will be upon the governor, the judges and marshals of the Territory. While you are not to be, and cannot be subjected to the orders, strictly speaking, of the governor, you will be responsible for a jealous, harmonious and thorough cooperation with him, or frequent and full consultation, and will conform your action to his requests and views in all cases where your military judgment and prudence do not forbid, nor compel you to modify, in execution, the movements he may suggest. No doubt is entertained that your conduct will fully meet the moral and professional responsibilities of your trust, and justify the high confidence already reposed in you by the government.

The lateness of the season, the dispersed condition of the troops, and the smallness of the numbers available, have seemed to present elements of difficulty, if not hazard, in this expedition. But it is believed that these may be compensated by unusual care in its outfit,

and great prudence in its conduct. All disposable recruits have been reserved for it.

So well is the nature of this service appreciated, and so deeply are the honor and interests of the United States involved in its success, that I am authorized to say the government will hesitate at no expense requisite to complete the efficiency of your little army, and to insure health and comfort to it, as far as attainable. Hence, in addition to the liberal orders for its supply heretofore given—and it is known that ample measures, with every confidence of success, have been dictated by the chiefs of staff departments here—a large discretion will be made over to you in the general orders for the movement. The employment of spies, guides, interpreters or laborers may be made to any reasonable extent you may think desirable.

The prudence expected of you requires that you should anticipate resistance, general, organized and formidable, at the threshold, and shape your movements as if they were certain, keeping the troops well massed and in hand when approaching expected resistance. Your army will be equipped, for a time, at least, as a self sustaining machine. Detachments will, therefore, not be lightly hazarded, and you are warned not to be betrayed into premature security or over confidence.

A small but sufficient force must, however, move separately from the main column, guarding the beef cattle and such other supplies as you may think would too much encumber the march of the main body. The cattle may require to be marched more slowly than the troops, so as to arrive in Salt Lake valley in good condition, or they may not survive the inclemency and scanty sustenance of the winter. This detachment, though afterwards to become the rear guard, may, it is hoped, be put in route before the main body, to gain as much time as possible before the latter passes it

The general-in-chief suggests that feeble animals, of draught and cavalry, should be left ten or twelve days behind the main column, at Fort Laramie, to recruit and follow.

It should be a primary object on arriving in the valley, if the condition of things permit, to procure not only fuel, but materials for hutting the troops. Should it be too late for the latter purpose, or should such employment of the troops be unsafe or impracticable, the tents (of Sibley's pattern) furnished will, it is hoped, afford a sufficient shelter.

It is not doubted that a surplus of provisions and forage, beyond the wants of the resident population, will be found in the valley of Utah; and that the inhabitants, if assured by energy and justice, will be ready to sell them to the troops. Hence no instructions are given you for the extreme event of the troops being in absolute need of such supplies and their being withheld by the inhabitants. The necessities of such an occasion would furnish the law for your guidance.

Besides the stated reports required by regulations, special reports will be expected from you, at the headquarters of the army, as opportunity may offer

The general-in-chief desires to express his best wishes, official and personal, for your complete success and added reputation.

I have the honor to be, sir, very respectfully, your obedient servant.

GEORGE W. LAY,
Lieutenant Colonel Aid-de-Camp.

Brevet Brigadier General W. S. HARNEY,
Commanding, &c., Fort Levenworth, K. T.

P. S.—The general-in-chief (in my letter of the 26th instant) has already conveyed to you a suggestion—not an order, nor even a recommendation—that it might be well to send forward in advance a part of your horse to Fort Laramie, there to halt and be recruited in strength, by rest and by grain, before the main body comes up.

Respectfully,

G. W. L.,
Lt. Col., Aid-de-Camp.

[By telegraph.]

HEADQUARTERS OF THE ARMY,
New York, July 1, 1857.

General orders issued yesterday embrace the following paragraphs:

"4. The armament and equipment deemed most suitable for the service of the battery of artillery will be selected, and, if necessary, extended in guns and horses by the commander of the expedition, consulting with Captain Phelps.

"5. In addition to instructions already given, it is further directed that all requisitions which the commander of the expedition for Utah may, in his discretion, address to the departments of supply, be promptly complied with, without reference to higher authority."

Respectfully,

L. THOMAS,
Assistant Adjutant General.

Brigadier General HARNEY,
Fort Leavenworth, K. T.

HEADQUARTERS OF THE ARMY,
New York, July 1, 1857.

Copy respectfully furnished to the adjutant general, for the information of the War Department.

By order:

——— ———,
Assistant Adjutant General.

[By telegraph.]

HEADQUARTERS OF THE ARMY,
West Point, N. Y., July 14, 1857.

Your letter of July 3 is received. I have made the calculations and expect your rear guard to be in full march by this day week. Captain Neil will overtake you with forty well instructed recruits for the battery. Order headquarters and band to Fort Leavenworth.

WINFIELD SCOTT.

Brigadier General HARNEY,
Fort Leavenworth, K. T.

HEADQUARTERS OF THE ARMY,
West Point, N. Y., July 14, 1857.

Official copy respectfully furnished for the information of the Adjutant General.

IRWIN McDOWELL,
Assistant Adjutant General

HEADQUARTERS OF THE ARMY,
West Point, New York, July 22, 1857.

COLONEL: The instructions of the War Department of the 14th instant to Brevet Brigadier General Harney, placing Forts Laramie and Kearney under his orders as indispensable to the success of the movements to Utah, and keeping there the two companies of the 6th infantry, conflicts with general orders No. 11, ordering these companies to be relieved by the two companies of the 7th from Fort Smith, and ordering Fort Kearney to be abandoned.

At the close of the season the 1st cavalry and four companies of the 6th infantry will come in from the plains, and will, with the company of the 6th, now at Fort Riley, make fifteen companies for the garrison of the posts of Forts Riley and Leavenworth, without counting the 2d dragoons and Phelps' battery, and should the latter not go to Utah this year there will be twenty-six companies.

The general-in-chief directs me to make this statement and inquire what shall be done with the companies of the 7th before mentioned. If the movement of the companies of the 6th from Forts Laramie and Kearney to Jefferson barracks is to remain suspended, as would seem to be the case from the telegraphic orders which place them under the commander of the Utah expedition, the companies of the 7th will not be needed on the Platte.

Shall they be ordered back to their former station?

I have the honor to be, very respectfully, your most obedient servant,

IRVIN McDOWELL,
Assistant Ajutant General.

Colonel SAMUEL COOPER,
Adjutant General, U. S. A., Washington, D. C.

HEADQUARTERS OF THE ARMY,
West Point, New York, July 23, 1857.

COLONEL: I have the honor to acknowledge the receipt of the triplicate of your telegraph of the 21st, to General Harney, furnished for the information of the general-in-chief, and am directed by the latter to say that the second paragraph gives him no information, as General Harney's suggestion—to which it is a response—was not made through him, nor was any copy of it furnished him by the writer.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Assistant Adjutant General.

Colonel S. COOPER,
Adjutant General, Washington, D. C.

[Duplicate by mail—general-in-chief, triplicate.]

ADJUTANT GENERAL'S OFFICE,
July 21, 1857.

The light battery at Fort Snelling has been ordered to take post at Fort Leavenworth.

You are authorized to send a discreet staff officer to Salt Lake City in advance of the troops, for the purposes suggested by you.

SAM'L COOPER,
Adjutant General.

Brig. General W. S. HARNEY, U. S. A.,
Care of Captain Pleasonton, U. S. A.,
Planters' House, St. Louis, Missouri.

[Duplicate, for the information of the Adjutant General.]

HEADQUARTERS OF THE ARMY,
West Point, N. Y., July 25, 1857.

GENERAL: The general-in-chief has, in paragraph III, special orders No. 92, of this date, made the transfer of private Adam Torden, ordered in your special order No. 26, of the 10th instant, and he instructs me to call your attention to paragraph 141 of the regulations, and to desire that you will please conform thereto in future cases.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Assistant Adjutant General.

Brevet Brig. Gen. W. S. HARNEY,
Commanding, &c., Fort Leavenworth, K. T.

[Triplicate, for the information of the Adjutant General.—Per Telegraph.]

HEADQUARTERS OF THE ARMY,
West Point, N. Y., July 30, 1857.

Telegraphic orders have been this day sent to Minnesota for the two companies of tenth infantry to proceed without delay to Fort Leavenworth, and to follow their regiment.

By order:
IRVIN McDOWELL,
Assistant Adjutant General.

Brevet Brig. Gen. W. S. HARNEY,
Commanding, &c., Fort Leavenworth, Kansas.

Duplicate sent by mail.

[Triplicate, for the information of the Adjutant General.—Per Telegraph.]

HEAD QUARTERS OF THE ARMY,
West Point, N. Y., July 30, 1857.

The general-in-chief directs the two companies of the tenth infantry to proceed to Fort Leavenworth, without delay, and to follow their regiment. Communicate this order immediately to both companies, wherever they may be, if not already en route for Fort Leavenworth.

By order:
IRVIN McDOWELL,
Assistant Adjutant General.

The COMMANDING OFFICER,
Fort Snelling, Minnesota, (by Dubuque, Iowa.)

Duplicate by mail. Copy to General Harney.

HEADQUARTERS OF THE ARMY,
West Point, N. Y., August 19, 1857.

SIR: In forwarding yesterday the communication of General Harney, respecting the loss of a large number of beef cattle for the Utah expedition, on which paper I endorsed my remarks, I omitted to refer you to my instructions, issued June 29th to the commander of that expedition.

I now beg your attention to the extract given below, from my letter of that date to General Harney, from which it will be seen that the loss in question resulted from a neglect of my orders in the case.

[Extract.]

A small buts ufficient force must, however, move separately form the main column, guarding the beef cattle and such other supplies as you may think would too much encumber the march of the main body. The cattle may require to be marched more slowly than the troops, so as to arrive in Salt Lake valley in good condition, or they may not survive the inclemency and scanty sustenance of the winter.

This detachment, though afterwards to become the rear guard, may, it is hoped, be put en route before the main body, to gain as much time as possible before the latter passes it.

I have the honor to be, with high respect, your obedient servant,
WINFIELD SCOTT.

Hon. J. B. FLOYD,
Secretary of War.

WASHINGTON, *August* 28, 1857.

COLONEL: In anticipation of the orders to be issued placing you in command of the Utah expedition, the general-in-chief directs you to repair, without delay, to Fort Leavenworth, and apply to Brevet Brigadier General Harney for all the orders and instructions he has received as commander of that expedition, which you will consider addressed to yourself, and by which you will be governed accordingly. You will make your arrangements to set out from Fort Leavenworth at as early a day as practicable. Six companies of the 2d dragoons will be detached by General Harney to escort you and the civil authorities to Utah, to remain as part of your command instead of the companies of the 1st cavalry, as heretofore ordered. Brevet Major T. J. Porter, assistant adjutant general, will be ordered to report to you for duty before you leave Fort Leavenworth.

I have the honor to be, colonel, very respectfully, your most obedient servant,
IRVIN McDOWELL,
Assistant Adjutant General.

Col. ALBERT S. JOHNSTON,
2d Cavalry, Washington, D. C.

WASHINGTON, *August* 29, 1857.

GENERAL: I have the honor to enclose herewith a copy of the instructions of yesterday to Colonel Albert S. Johnston, 2d cavalry. The general-in-chief directs you govern yourself accordingly, and afford Colonel Johnston every facility, and all the aid in your power in the execution of the duty with which he is charged.

As the troops under Colonel Sumner, those under Lieutenant Colonel J. E. Johnston, 1st cavalry, and those with Captain Francis J. Bryan, topographical engineers, will soon be coming in from the plains, it is desirable to know at what points in Kansas they will be required, and you are requested by the general to report what disposition you judge should be made of them.

I have the honor to be, very respectfully, your most obedient servant,
IRVIN McDOWELL,
Assistant Adjutant General.

Brevet Brig. Gen. WM. S. HARNEY,
Colonel second dragoons, commanding troops in Kansas, Fort Leavenworth, K. T.

[Duplicate.—Original sent by telegraph.]

HEADQUARTERS OF THE ARMY,
New York, November 16, 1857.

Important despatches received this morning from Colonel Johnston.

Brigham Young has issued his proclamation declaring war upon the United States forces, and placing Utah under martial law.

Report of Mormons having burned three trains confirmed.

Mormons were at Fort Bridger; Colonel Alexander, with the 5th and 10th infantry, and Phelps' and Reno's batteries at Ham's fork.

Colonel Johnston seventy-eight miles from South Pass. He will wait, with Colonel C. F. Smith, at Pacific Spring, till the arrival of Lieutenant Smith with two hundred men escorting remaining supply trains, and will then push on with them to join the army.

Colonel Alexander ordered by Brigham Young to evacuate Utah forthwith, but is informed he may remain where he is if he will surrender his arms and promise to retire next spring! Colonel Alexander reports his intention to go up Bear river to Soda spring.

The despatches go forward by to-day's mail.

IRVIN McDOWELL,
Assistant Adjutant General.

Colonel S. COOPER,
Adjutant General, Washington, D. C.

[Duplicate.—Original sent by telegraph.]

HEADQUARTERS OF THE ARMY,
New York, December 10, 1857.

Despatches received this morning from Colonel Johnston, dated at South Pass, October eighteenth. Expects soon to join Colonel Alexander at Fontenelle creek, and then move down to Henry's fork for the winter. All well, but losing animals from the weather, which was clear and cold. Colonel Alexander lost some animals by Mormons. No blood shed. Despatches by mail to night.

IRVIN McDOWELL,
Assistant Adjutant General.

Colonel SAMUEL COOPER,
Adjutant General, Washington, D. C.

HEADQUARTERS OF THE ARMY,
Washington, January 23, 1858.

SIR: The general-in-chief has received from Colonel Johnston, commanding the army of Utah, a copy of that officer's letter to you of November 25, 1857. The request therein conveyed to you for aid and support to Captain Marcy, in carrying out the purposes of his expedition, is approved, and you are desired to lend the assistance asked for, as far as within your power.

The general-in-chief directs that you furnish, from the regiment of mounted riflemen, as a return escort for Captain Marcy, four companies, if so large a force be desired and can be afforded.

I am, sir, very respectfully, your obedient servant,

GEORGE W. LAY,
Lieutenant Colonel, A. D. C.

Bvt. Brig. Gen'l JNO. GARLAND,
Commanding Department of New Mexico.

HEADQUARTERS OF THE ARMY,
New York, February 5, 1858.

Official copy for information of the Adjutant General.

IRVIN McDOWELL,
Assistant Adjutant General.

HEADQUARTERS OF THE ARMY,
Washington, January 23, 1858.

SIR: The general-in-chief directs me to acknowledge the receipt of your despatches, with copies of orders, &c., to November 30, 1857, inclusive; and to add in his name as follows:

Your conduct in command, as set forth in the reports, meets with full and hearty approval, united with sympathy for those difficulties which you have so manfully conquered, and which, it is clearly perceived, no act or omission of yours had any part in creating.

The general-in-chief desires likewise to tender, through you, to the officers and men of your expedition the expression of his high appreciation of the noble energy, patience and spirit which they have displayed. The achievement of Colonel Cooke in bringing up his regiment to join you, in such comparatively good condition, at so late a season, appears specially worthy of commendation.

In this tribute to yourself and to the troops the War Department cordially concurs.

The adjutant general will communicate to you the formal approval, by the War Department, of your orders to Captain Marcy, for purchase of animals, &c., and also of your mustering volunteers into the service.

General Garland will be instructed to afford the aid and support asked for in your letter to him of November 25, 1857, including a return escort for Captain Marcy's expedition. He will be directed to furnish, from the regiment of mounted riflemen, for this purpose, a force not exceeding four companies.

Ample measures are in progress for your reinforcement at the earliest possible period of the spring.

The general-in-chief himself will set sail for the Pacific coast in the steamer of the 5th proximo, clothed with full powers for an effective diversion or co-operation in your favor from that quarter. It is

not desired, however, that this information shall modify the instructions heretofore given you in any degree, or delay your movements.

I am, sir, very respectfully, your obedient servant,

GEORGE W. LAY,
Lieutenant Colonel, A. D. C.

Colonel A. S. JOHNSTON,
2d Cavalry, Commanding Army of Utah.

HEADQUARTERS OF THE ARMY,
New York, February 5, 1858.

Official copy for information of the Adjutant General.

IRVIN McDOWELL, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, February 4, 1858.

SIR: I am desired by the general-in-chief to inform you that it is no longer probable that he will go to the Pacific coast, or that any expedition against or towards Utah will be despatched from that quarter.

I am, sir, very respectfully, your obedient servant,

GEORGE W. LAY,
Lieutenant Colonel, A. D. C.

Colonel A. S. JOHNSTON,
Commanding department of Utah.

HEADQUARTERS OF THE ARMY,
New York, February 5, 1858.

Official copy for the information of the Adjutant General.

IRVIN McDOWELL,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
Washington, September 26, 1857.

SIR: By "special order" No. 132, of September 11, 1857, from this office, Brevet Captain Jesse L. Reno, first lieutenant Ordnance Department, attached to the Utah expedition, was assigned to duty with that command, according to his brevet rank.

The subject having been again called up by the receipt of several applications for assignment, according to brevet rank, the Secretary of War, to prevent misapprehension, instructs me to say that the special assignment of Brevet Captain Reno, Ordnance Department, in the order above cited, was intended to enable him to exercise command over the detachment immediately under his charge, while conducting the same to Utah.

On Captain Reno's turning over the recruits to Phelps' light artillery company, in accordance with General Harney's "special orders" No. 5, of July 19, the assignment to duty according to his brevet rank will cease.

It is presumed that, should it be necessary to equip another battery of artillery for service with the troops under your orders, the command thereof will be given to an officer of artillery.

I have the honor to be, sir, very respectfully, your obedient, servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Colonel A. S. JOHNSTON, *U. S. A.*,
Commanding Utah Expedition, Salt Lake City, U. T.

ADJUTANT GENERAL'S OFFICE,
Washington, January 14, 1858.

SIR: The Secretary of War desires that you will transmit direct to this office copies of any despatches of more than ordinary importance you may, from time to time, forward through the headquarters of the army.

I have the honor to be, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Colonel A. S. JOHNSTON,
First Cavalry, Commanding Department of Utah.

HEADQUARTERS ARMY FOR UTAH,
Fort Leavenworth, August 8, 1857.

COLONEL: I have the honor to enclose a copy of a communication from Lieutenant Marshall, 6th infantry, reporting the loss of 824 head of cattle, en route for Utah, for the use of the army. This mischief was done by the Cheyenne Indians, and is but the commencement of a series of disasters which will take place upon that route, if a suitable cavalry force is not placed at both Forts Kearny and Laramie.

Infantry is useless against mounted Indians. I shall retain the two companies of the 2d dragoons at Fort Laramie, and have to request the general-in-chief will cause the two companies of the 1st cavalry, ordered to this post under Colonel Sumner, to be stopped at Fort Kearny, to furnish escorts from that place, as I have no disposable mounted force at my command for this service.

I am, colonel, very respectfully, your obedient servant,

WM. S. HARNEY,
Col. 2d Dragoons, and Brevet Brig. Gen'l, Commanding.

Lieutenant Colonel L. THOMAS,
Ass't Adj't Gen., Headq's of the Army, West Point, N. Y.

HEADQUARTERS, FORT KEARNY, N. T.,
August 2, 1857.

SIR: I have the honor to state that two herds of beef cattle, destined for Salt Lake, for beef for the Utah expedition, passed this post yesterday. The whole number of men, all told, was nineteen. When they

arrived to-day about 28 miles west of this garrison, they were attacked by a party of about 150 Cheyenne Indians, who run off all the cattle, (824) and horses, and mules, (20 in number,) excepting two, which the drovers succeeded in escaping with. The attack was made about 11 o'clock this morning, and the whites lost one man, who was killed on the ground, and one who was badly wounded in the thigh, with a fracture of the bone, who is now under charge of the surgeon of the post. The whites arrived here about nine o'clock this evening in a very destitute condition, having lost everything but the clothing they happened to have on, and their arms. I shall send a party to-morrow with the drovers to bury the man who was killed, and also to try to find some of the cattle. But the men report that they believe they will not be able to find any of them, as the last they saw of the cattle they were being driven off by the Indians, who were all the time shooting them with arrows, and lancing them with their spears.

The whites report that, without doubt, they must have killed at least two Indians, and wounded some four or five others.

Allow me again to state that an infantry post in this country is entirely useless; that depredations are continually prepetrated by hostile Indians near this garrison, without ever being able to even assist those who are so unfortunate as to be attacked by them.

I am, sir, very respectfully, your obedient servant,

E. G. MARSHALL,
1st. Lieut. 6th Infantry, Commanding.

Colonel S. COOPER,
Adjutant General U. S. A., Washington, D. C.

A true copy.

E. G. MARSHALL,
1st. Lieut. 6th Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL *of Utah Expedition.*

(Circular.)

HEADQUARTERS ARMY FOR UTAH,
Fort Leavenworth, August 8, 1857.

The commanders of the different corps of this army will give such protection as may be necessary to the supply trains on route to Utah, without permitting these instructions to interfere with the order of march.

By order of General Harney.

A. PLEASANTON,
Captain 2d Dragoons, A. A. Adjutant General.

HEADQUARTERS TENTH INFANTRY,
Camp near Fort Kearny, August 10, 1857.

SIR: I have the honor to transmit herewith a field return of the battalion under my command. I have been obliged to rule it, as no

printed blanks of the prescribed form have been received. The march from Fort Leavenworth here occupied nineteen days, giving an average of fifteen and a half miles per day. The men are in good health and condition, and have surprised me by the endurance they exhibited from the commencement. Though raw recruits when we left Fort Leavenworth, I consider them now fit for any kind of service, and have no doubt they would do credit to themselves and the army. I would respectfully suggest the propriety of ordering the officers detached from the regiment to join their companies as soon as practicable.

If the regiment is to serve long in Utah, it is very desirable to have all the officers with it.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel Tenth Infantry, Commanding

Colonel S. COOPER,
Adjutant General U. S. A.

HEADQUARTERS TENTH REGIMENT OF INFANTRY,
Camp near Fort Laramie, N. T., September 3, 1857.

SIR: I have the honor to transmit herewith a field return of my command for the month of August. As this is the last place from which I can depend upon a communication, I respectfully submit the following remarks upon the march of the eight companies of the tenth infantry under my command from Fort Leavenworth to this place, a distance of 625 miles. The battalion marched from Forth Leavenworth, July 18, and being composed mainly of recruits, the length of the march for the first four or five days was inconsiderable, not exceeding ten or twelve miles. The men, however, became accustomed to marching very soon, and unless the heat was powerful, very few fell out. The march across the prairie country from Fort Leavenworth to the Platte river was made within the time allowed by General Harney's orders, and was, perhaps, the most exempt from loss and accident ever known.

With a train of ninety-seven wagons, and over six hundred animals, but five mules have been lost, one by straying and four by death, and not a wagon has been broken. The journey along the Platte was one of great ease, as the road is good, and grass abundant nearly everywhere, and men and animals improved in health and strength remarkably.

The sick report has never exceeded twenty, and has averaged twelve. This in a command of 500 is very small. No serious sickness has prevailed, though four cases of bilious fever, produced by great alternations of temperature and miasma of the Platte bottom, have occurred, which the assistant surgeon has recommended to be left at this post. Colonel Hoffman having kindly consented, I have determined to leave them until the two companies of the regiment under Colonel Smith comes up, when they can be brought on. The order of march has been strictly preserved, and the column marched by platoon fronts, with regular intervals, at the rate of 96 or 100 steps per minute. The

company arrangements have also been as regular as the ground would admit, having in view the proper guard over the mules and wagons. I have adopted the plan of detailing a company of guard, and posting it in the most convenient place the commander is enabled to post pickets and sentinels, so as to guard every approach. This plan saves many details, lessens labor, and excites a spirit of emulation which insures great vigilance. The officers of the command have attended faithfully to their several duties, and many have shown great powers of enduring fatigue, being on foot all the time. Brevet Lieutenant Colonel Canby has ably assisted in conducting the march, and much of the good fortune is due to his constant attention to the duties immediately devolved upon him.

On the 5th the march to Utah will be resumed, and although the accounts of the road as regards grass makes it much more difficult than anything we have yet experienced, I hope to give as favorable a report upon my arrival at the Salt Lake City.

I may be excused from expressing the pride I feel in the successful accomplishment by my regiment of so much of its first arduous duty, and I confidently express the belief that unless some very unforeseen accident occurs, I will reach the Territory of Utah in a condition of perfect efficiency and discipline.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel Commanding.

Colonel S. COOPER,
Adjutant General U. S. Army.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, Sept. 12, 1857.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, enclosing a copy of instructions to Colonel Albert S. Johnston, 2d cavalry, and requesting me to report what disposition should be made of the troops soon to arrive at this post, and coming under my command.

In reply, I desire to inform the general-in-chief that the two posts in this Territory under my command are capable of quartering sixteen mounted companies as follows: six companies at Fort Riley and ten companies at this post. The quarters for officers at this post are not sufficient for ten companies.

I recommend that six companies of the 1st cavalry, under the command of the senior officer of the regiment, be placed at Fort Riley; the remaining four companies of that regiment, with two companies of 2d dragoons, and Sherman's battery, to be stationed here. In the event of a large body of troops being assembled in this Territory this fall, shelter can easily be constructed at this place for them, provided the lumber is sent to this post from St. Louis immediately. At this

time a large number of camp women are living in tents, and there is no prospect of their being better sheltered for the winter.

I have the honor to be, very respectfully, your obedient servant,

WM. S. HARNEY,
Col. 2d Dragoons, and Brevet Brig. Gen., Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY OF UTAH,
Fort Leavenworth, September 12, 1857.

SIR: In consequence of the liability of depredations by the Indians in the vicinity of Fort Kearny, and the necessity of immediate pursuit and punishment of the offenders, and of scouting and escorts, I have the honor to request authority to keep at that post twenty mounted infantry. Should this application be granted, I respectfully request that the quartermaster and ordnance departments at this post may be ordered respectively to furnish the horses and necessary equipments without any necessity for my action, and that they may be sent without delay to that post.

I am, sir, very respectfully, your obedient servant,

A. S. JOHNSTON,
Col. 2d Cavalry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY FOR UTAH,
Fort Leavenworth, September 12, 1857.

SIR: I find that no provision has been made for protecting the mail service between Utah City and this frontier during the ensuing winter; and as I have no control over a portion of the forces that will be needed to carry into execution any plan for that purpose, I respectfully request that some arrangement may be initiated at the headquarters of the army similar to that promulgated in Special Orders, No. 106, of December 4, 1854, from the headquarters Department of the West. In case the Post Office Department contracts to have the mail carried, I deem this precaution essential for its security and success.

I am, sir, very respectfully, your obedient servant,

A. S. JOHNSTON,
Col. 2d Cavalry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY OF UTAH,
Fort Leavenworth, September 16, 1857.

MAJOR: Six companies of the 2d dragoons, under the command of Lieutenant Colonel Cooke, have been prepared for the march to Utah,

company arrangements have also been as regular as the ground would admit, having in view the proper guard over the mules and wagons. I have adopted the plan of detailing a company of guard, and posting it in the most convenient place the commander is enabled to post pickets and sentinels, so as to guard every approach. This plan saves many details, lessens labor, and excites a spirit of emulation which insures great vigilance. The officers of the command have attended faithfully to their several duties, and many have shown great powers of enduring fatigue, being on foot all the time. Brevet Lieutenant Colonel Canby has ably assisted in conducting the march, and much of the good fortune is due to his constant attention to the duties immediately devolved upon him.

On the 5th the march to Utah will be resumed, and although the accounts of the road as regards grass makes it much more difficult than anything we have yet experienced, I hope to give as favorable a report upon my arrival at the Salt Lake City.

I may be excused from expressing the pride I feel in the successful accomplishment by my regiment of so much of its first arduous duty, and I confidently express the belief that unless some very unforeseen accident occurs, I will reach the Territory of Utah in a condition of perfect efficiency and discipline.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel Commanding.

Colonel S. COOPER,
Adjutant General U. S. Army.

HEADQUARTERS TROOPS SERVING IN KANSAS,
Fort Leavenworth, Sept. 12, 1857.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, enclosing a copy of instructions to Colonel Albert S. Johnston, 2d cavalry, and requesting me to report what disposition should be made of the troops soon to arrive at this post, and coming under my command.

In reply, I desire to inform the general-in-chief that the two posts in this Territory under my command are capable of quartering sixteen mounted companies as follows: six companies at Fort Riley and ten companies at this post. The quarters for officers at this post are not sufficient for ten companies.

I recommend that six companies of the 1st cavalry, under the command of the senior officer of the regiment, be placed at Fort Riley; the remaining four companies of that regiment, with two companies of 2d dragoons, and Sherman's battery, to be stationed here. In the event of a large body of troops being assembled in this Territory this fall, shelter can easily be constructed at this place for them, provided the lumber is sent to this post from St. Louis immediately. At this

time a large number of camp women are living in tents, and there is no prospect of their being better sheltered for the winter.

I have the honor to be, very respectfully, your obedient servant,

WM. S. HARNEY,
Col. 2d Dragoons, and Brevet Brig. Gen., Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY OF UTAH,
Fort Leavenworth, September 12, 1857.

SIR: In consequence of the liability of depredations by the Indians in the vicinity of Fort Kearny, and the necessity of immediate pursuit and punishment of the offenders, and of scouting and escorts, I have the honor to request authority to keep at that post twenty mounted infantry. Should this application be granted, I respectfully request that the quartermaster and ordnance departments at this post may be ordered respectively to furnish the horses and necessary equipments without any necessity for my action, and that they may be sent without delay to that post.

I am, sir, very respectfully, your obedient servant,

A. S. JOHNSTON,
Col. 2d Cavalry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY FOR UTAH,
Fort Leavenworth, September 12, 1857.

SIR: I find that no provision has been made for protecting the mail service between Utah City and this frontier during the ensuing winter; and as I have no control over a portion of the forces that will be needed to carry into execution any plan for that purpose, I respectfully request that some arrangement may be initiated at the headquarters of the army similar to that promulgated in Special Orders, No. 106, of December 4, 1854, from the headquarters Department of the West. In case the Post Office Department contracts to have the mail carried, I deem this precaution essential for its security and success.

I am, sir, very respectfully, your obedient servant,

A. S. JOHNSTON,
Col. 2d Cavalry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, West Point, N. Y.

HEADQUARTERS ARMY OF UTAH,
Fort Leavenworth, September 16, 1857.

MAJOR: Six companies of the 2d dragoons, under the command of Lieutenant Colonel Cooke, have been prepared for the march to Utah,

and provided with every requisite to make it successful by Brevet Brigadier General Harney, agreeably to his instructions from the headquarters of the army, and have by him been transferred to my command to-day.

I have ordered Colonel Cooke to put his command immediately en route for Utah, and charged him with the duty of escorting the governor (Colonel Cummings) and the other civil officers of that Territory to Salt Lake City, (see order herewith,) of which Colonel Cummings has been officially notified. From the nature of the service to be performed, the exercise of great discretion has been necessarily allowed Colonel Cooke; but he is a cavalry officer of great experience and well acquainted with frontier service, and, I do not doubt, will conduct the march with skill and success. He may be expected to arrive in the valley of Utah by the 15th or 20th November. Transportation has been provided for a half ration of corn for all his animals to Fort Kearny, at which place he can renew his supply to Laramie, and thence through, to guard against the chance of the grass being covered with snow.

As soon as I see Colonel Cooke's command on the route, I will also leave for Salt Lake City, with an escort of 40 men detached from the dragoons. Arrangements have been made for transporting the men of the escort, their baggage and subsistence, and forage for the draught animals in light spring wagons, which will enable me to accomplish the journey in about thirty-five days; so that my arrival at the place of destination may be expected by the 20th of October proximo.

I beg leave here to request the attention of the general-in-chief to the necessity of an appropriation by Congress, at the next session, for the building of permanent barracks for the accommodatian of the troops destined for service in Utah, should there be a peaceable occupation by them of that Territory.

Only approximate estimates of the cost can be made at this time for that purpose; but I understand that, after glass, corks, hinges, nails, &c., shall have been furnished, other materials to be had in Utah, may be obtained at a rate of cost not greater than that for material for the building of Fort Riley. The appropriation should be made in the coming session, so that there may be an early prosecution of the work next spring, in order that suitable quarters can be provided for the troops by the ensuing winter.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding Army of Utah.

Major IRVIN McDOWELL,
Assistant Adjutant General,
Headquarters of the Army, New York.

FORT KEARNY, *September* 24, 1857.

MAJOR: I have the honor to report my arrival at this post to-day, having made the journey from Fort Leavenworth in seven days. Our march was retarded during the first two or three days by bad roads,

made so by frequent showers of rain during that time. Since it cleared off there has been an unclouded sky, and the weather is very fine; at 6 o'clock this morning the thermometer stood at 54.3, at 11½, 83.0. The grass is fresh and abundant on the route to this place, and I am informed that it is excellent to Laramie. There is no indication of an early winter, and I see no reason to apprehend it. Beyond Laramie, Captain Van Vliet writes from Red Buttes, 150 miles west of Laramie, that the grass is bad beyond belief. This timely notice will prevent any delay in the march of the six companies of the 2d dragoons under Colonel Cooke. I have directed twenty-five strong teams and wagons to be tured over to Colonel Cooke from the supply train of Colonel Sumner's command, at the junction of the road from this place to Fort Riley, and six wagons and teams at this post on his arrival. These thirty-one additional wagons will, I think, be sufficient to enable him to transport the corn for his horses to Utah; if not, I understand that more can be supplied at Fort Laramie.

Everything, thus far, encourages the belief that there will be no failure of any portion of the troops destined for Utah in the accomplishment of the march. The 10th infantry, I have heard, was to leave Laramie on the 5th of September; the 5th infantry reached Laramie on the 4th; Philp's and Rino's batteries on the 6th and 7th, and Colonel Smith, with his companies of the 10th infantry, has probably arrived at Laramie by this time. The dragoons should be here by the 4th or 5th of October, and, with the additional transportation and the means of replacing animals injured on the route, you may rely on a rapid march by them from this post to Laramie. I will leave here to-morrow morning, and suppose I will reach Laramie in eight days. I will, as soon as possible, join the troops in advance.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding Army of Utah.

Major IRVIN McDONELL,
Assistant Adjutant General,
Headquarters of the Army, New York City.

HEAD QUARTERS ARMY OF UTAH,
North Bank of South Fork of Platte, September 29, 1857.

MAJOR: We have just crossed the south fork of the Platte, and met here the express with Captain Van Vliet's report of the result of his journey to Salt Lake City, which I forward for the information of the general-in-chief.

When I reach the troops in advance I will proceed at once to execute the orders I have received, and not delay the march, unless prevented by the destruction of the grass on the route, by cold or the filling up of the passes by snow. In either event a suitable position will be taken until it is practicable to advance.

We are making our journey with more despatch than I expected; we wi l be at Laramie on the 2d of October. The 5th and 10th infantry, with the batteries, marched from Fort Laramie, as was ex-

pected, with the exception of Reno's battery, which left on the 8th, a day later. The weather continues mild, and there is an abundance of grass on the route. I think there can be no doubt of Colonel Cooke's arrival at Fort Laramie by the 18th of October. I will travel with all rapidity practicable till I reach the troops in advance, and will report everything material by every opportunity.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding Army of Utah.

Maj IRVIN MCDOWELL, *Assistant Adjutant General,*
Headquarters of the Army, New York City.

HEADUQARTERS ARMY OF UTAH,
Ash Hollow, en-route to Salt Lake City, September 29, 1857.

Duplicate. Original forwarded by express from north bank of south fork of Platte.

HAM'S FORK, *September* 16, 1857.

CAPTAIN: I have the honor to report, for the information of the commanding general, the result of my trip to the Territory of Utah.

In obedience to special instructions, dated headquarters army for Utah, Fort Leavenworth, July 28, 1857, I left Fort Leavenworth, July 30, and reached Fort Kearny in nine travelling days, Fort Laramie in ten, and Great Salt Lake City in thirty-three and a half. At Fort Kearny I was detained one day by the changes I had to make and by sickness, and at Fort Laramie three days, as all the animals were forty miles from the post, and when brought in all had to be shod before they could take the road. I travelled as rapidly as it is possible to do with six mule wagons. Several of my teams broke down, and at least half of my animals are unserviceable and will remain so until they recruit. During my progress towards Utah I met many people from that Territory, and also several mountain men at Green river, and all informed me that I would not be allowed to enter Utah, and if I did I would run great risk of losing my life. I treated all this, however, as idle talk, but it induced me to leave my wagons and escort at Ham's fork, 143 miles this side of the city, and proceed alone. I reached Great Salt Lake City without molestation, and immediately upon my arrival I informed Governor Brigham Young that I desired an interview, which he appointed for the next day. On the evening of the day of my arrival Governor Young, with many of the leading men of the city, called upon me at my quarters. The governor received me most cordially and treated me during my stay, which continued some six days, with the greatest hospitality and kindness. In this interview the governor made known to me his views with regard to the approach of the United States troops, in plain and unmistakeable language.

He stated that the Mormons had been persecuted, murdered, and robbed in Missouri and Illinois both by the mob and State authorities, and that now the United States were about to pursue the same course,

and that, therefore, he and the people of Utah had determined to resist all persecution at the commencement, and that the *troops now on the march for Utah should not enter the Great Salt Lake valley*. As he uttered these words all those present concurred most heartily in what he said.

The next day, as agreed upon, I called upon the governor and delivered in person the letter with which I had been entrusted. In that interview, and in several subsequent ones, the same determination to resist to the death the entrance of the troops into the valley was expressed by Governor Young and those about him.

The governor informed me that there was abundance of everything I required for the troops, such as lumber, forage, &c., but that none would be sold to us. In the course of my conversations with the governor and the influential men in the Territory, I told them plainly and frankly what I conceived would be the result of their present course. I told them that they might prevent the small military force now approaching Utah from getting through the narrow defiles and rugged passes of the mountains this year, but that next season the United States government would send troops sufficient to overcome all opposition. The answer to this was invariably the same: "We are aware that such will be the case; but when those troops arrive they will find Utah a desert. Every house will be burned to the ground, every tree cut down, and every field laid waste. We have three years' provisions on hand, which we will 'cache,' and then take to the mountains and bid defiance to all the powers of the government." I attended their service on Sunday, and, in course of a sermon delivered by Elder Taylor, he referred to the approach of the troops and declared they should not enter the Territory. He then referred to the probability of an overpowering force being sent against them, and desired all present, who would apply the torch to their own buildings, cut down their trees, and lay waste their fields, to hold up their hands. Every hand, in an audience numbering over 4,000 persons, was raised at the same moment. During my stay in the city I visited several families, and all with whom I was thrown looked upon the present movement of the troops towards their Territory as the commencement of another religious persecution, and expressed a fixed determination to sustain Governor Young in any measures he might adopt. From all these facts I am forced to the conclusion that Governor Young and the people of Utah will prevent, if possible, the army for Utah from entering their Territory this season. This, in my opinion, will not be a difficult task, owing to the lateness of the season, the smallness of our force, and the defences that nature has thrown around the valley of the Great Salt Lake. There is but one road running into the valley on the side which our troops are approaching, and for over fifty miles it passes through narrow cañons and over rugged mountains which a small force could hold against great odds. I am inclined, however, to believe that the Mormons will not resort to actual hostilities until the last moment. Their plan of operations will be, burn the grass, cut up the roads, and stampede the animals, so as to delay the troops until snow commences to fall, which will render the road impassable. Snow falls early in this region; in fact last night it commenced falling at Fort Bridger, and this morning the surrounding mountains are clothed

in white. Were it one month earlier in the season, I believe the troops could force their way in, and they may be able to do so even now; but the attempt will be fraught with considerable danger, arising from the filling up of the cañons and passes with snow. I do not wish it to be considered that I am advocating either the one course or the other. I simply wish to lay the facts before the general, leaving it to his better judgment to decide upon the proper movements. Notwithstanding my inability to make the purchases I was ordered to, and all that Governor Young said in regard to opposing the entrance of the troops into the valley, I examined the country in the vicinity of the city with the view of selecting a proper military site. I visited the military reserve, Rush valley, but found it, in my opinion, entirely unsuitable for a military station. It contains but little grass and is very much exposed to the cold winds of winter; its only advantage being the close proximity of fine wood. It is too far from the city, being between forty and forty-five miles, and will require teams four days to go there and return. I examined another point on the road to Rush valley, and only about thirty miles from the city, which I consider a much more eligible position. It is in Tuelle valley, three miles to the north of Tuelle city, and possesses wood, water, and grass; but it is occupied by the Mormons, who have some sixty acres under cultivation, with houses and barns on their land. These persons would have to be dispossessed or bought out. In fact there is no place within forty, fifty, or sixty miles of the city, suitable for a military position, that is not occupied by the inhabitants and under cultivation.* On my return I examined the vicinity of Fort Bridger, and found it a very suitable position for wintering the troops and grazing the animals, should it be necessary to stop at that point. The Mormons occupy the fort at present, and also have a settlement about ten miles further up Black's fork, called Fort Supply These two places contain buildings sufficient to cover nearly half the troops now en route for Utah; but I was informed that they would all be laid in ashes as the army advances. I have thus stated fully the result of my visit to Utah, and, trusting that my conduct will meet the approval of the commanding general, I am, very respectfully, your obedient servant,

STEWART VAN VLIET,
Captain, A. Q. M.

Captain PLEASANTON,
A. A. Adj't Gen. Army for Utah, Fort Leavenworth.

P. S.—I shall start on my return to-morrow, with an escort of ten men.

HEADQUARTERS ARMY OF UTAH, ASH HOLLOW,
En route to Salt Lake City, Sept. 29, 1857.

Copy. Original forwarded by express from north bank south fork of Platte.

Official. STEWART VAN VLIET,
Captain, A. Q. M.

* Finding that I could neither make the purchases ordered to, nor shake the determination of the people to resist the authority of the United States, I left the city and returned to my camp on Ham's fork.

HEADQUARTERS, ARMY OF UTAH,
South Fork of the Platte, North Bank, September 29, 1857.

MAJOR: We have just crossed the south fork of the Platte, and met here the express with Captain Van Vliet' sreport of the result of his journey to Salt Lake City, which I forward for the information of the general-in-chief.

When I reach the troops in advance, I will proceed at once to execute the orders I have received and not delay the march unless prevented by the destruction of the grass on the route by cold, or the filling up of the passes by snow. In either event a suitable position will be taken until it is practicable to advance. We are making our journey with more despatch than I expected; we will be at Laramie on the 2d of October.

The fifth and tenth infantry with the batteries, marched from Laramie, as was expected, with the exception of Reno's battery, which left on the 8th instant, a day later.

The weather continues mild, and there is an abundance of grass on the route. I think there can be no doubt of Colonel Cooke's arrival at Fort Laramie by the 18th October. I will travel with all rapidity practicable, until I reach the troops in advance, and will report everything material by every opportunity.

With great respect, your obedient servant,

A. S. JOHNSTON,
Col. Second Cavalry, Com'g Army of Utah.

Major IRVIN MCDOWELL,
Ass't Adj't Gen., Headquarters of the Army, New York City.

HEADQUARTERS ARMY OF UTAH, CAMP NEAR SCOTT'S BLUFFS,
En route to Salt Lake City, October 2, 1857.

SIR: I am instructed by the colonel commanding to direct you to return with your command to Fort Laramie, where you will find orders for your guidance.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. WILLIAM HOFFMAN,
Commanding Battalion Sixth Infantry.

HEADQUARTERS, FORT LARAMIE, N. T.,
October 2, 1857.

SIR: I have the honor to report that a detachment of the sixth infantry, under command of Brevet Lieutenant Colonel W. Hoffman, aggregate (307) left this post this day for Fort Leavenworth, K. T.

A return is enclosed.

Very respectfully, your obedient servant, J. LYNDE,
Major Seventh Infantry, Commanding Post.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 4, 1857.

SIR: As the possession of the transportation with your command is of the highest importance to the colonel commanding, he wishes you to reach this post to-morrow.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 5, 1857.

MAJOR: I arrived at this post last night, making the journey from Fort Leavenworth in seventeen days and a half. Our march since we reached Ash Hollow has been greatly retarded by the badness of the road, usually, from that point heavy, on account of sandiness, but, at the time we passed, made much worse by frequent showers of rain.

On my arrival I ordered the two companies of dragoons, "E" and "H," and a detachment of forty-seven men, left by Colonel Smith to escort the governor of Utah, to march immediately to join the troops in advance. I have made such arrangements for transportation of forage and subsistence as will insure their arrival without delay.

I am greatly disappointed in not finding an abundant supply of corn at this post. I shall, after taking all at the post, have no more than barely sufficient for the dragoon horses and draught animals of the train of that command, and for my own train.

Two trains loaded partly with corn, may, I think, certainly be expected to reach here before the arrival of Colonel Cooke. Should a sufficient supply for his march be found here, on his arrival he will be instructed to continue his march until he joins the advance, unless the indications of the rapid approach of winter shall be such as to make the risk too great to attempt the passage of the South Pass. The practicability of doing so must be left to the judgment of the commander of the dragoons.

At present the weather is mild, and we anticipate a protracted autumn. Should such anticipation be realized, I do not doubt Colonel Cooke will accomplish the march. The march of the dragoons will be somewhat retarded by the state of the roads. Perhaps they will be a few days longer than estimated in my letter from the south fork of the Platte.

The tenth infantry on the 21st ultimo was in advance, at Ice Springs, five miles above the fifth crossing of Sweet Water; Captain Phelps a few miles behind. The fifth infantry on the 21st was seven miles below the third crossing of the same stream, and on the 22d Captain Reno was ten miles above the first crossing, as I learned from Captain Van Vliet, who I met on his way to Washington, under instructions from General Harney.

I met, yesterday, Colonel Hoffman, in command of companies "B" and "C," sixth infantry, en route to Fort Leavenworth, to whom I gave instructions to return to this place with the two companies, and

assume command of this post. He arrived this morning, and is now in command of the post. I did not feel justified, in the present posture of the affairs of Utah, in allowing the withdrawal of his force to a point so remote from where they may be needed; and, besides, the means of transportation he had with him is indispensable for the advance of the two companies of dragoons and detachment of infantry which (see order herewith) has been ordered forward. If I had transportation and corn the two companies of the sixth could go forward.

If possible, the troops will enter the valley of Utah this fall. This question must be determined by the facility of concentrating the troops, and properly securing the supplies for the army.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel Second Cavalry, Commanding the Army of Utah.

Major IRVIN MCDOWELL, *Assistant Adjutant General,*
Headquarters of the Army, New York City.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 4, 1857.

SIR: As the possession of the transportion, with your command, is of the highest importance to the colonel commanding, he wishes you to reach this post to-morrow.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. WM. HOFFMAN,
Commanding Battalion 6th Infantry.

HEADQUARTERS ARMY OF UTAH,
Camp on the Three Crossings of Sweetwater, October 13, 1857.

MAJOR: To-night two men who lived at Fort Laramie, and who had been sent on express to Colonel Alexander, arrived at our camp on their way back. From them I learn that the Mormons having interposed a force in rear of our troops, then encamped at Ham's fork of Green river, succeeded in burning three supply trains, with their contents. A message from Colonel Alexander was sent by them to Colonel C. F. Smith, instructing him to protect the trains in the rear, which contains the clothing, Sibley tents, subsistence, &c.

The orders with regard to the march of the cavalry, and companies of the 6th ——, having been countermanded, leaves Colonel Smith with only 22 men; 47 men of his command were left at Laramie as the governor's escort. Lieutenant Smith, of the dragoons, is four days' march behind us, with two companies of dragoons, the 47 men of Colonel Smith's command, and 25 dragoons of my escort, who were left at Laramie to come on with Lieutenant Smith; his command will number about 200 men. I have ordered him to hasten

forward and join Colonel Smith's command. We will march in the morning, and expect to encamp with Colonel Smith to-morrow night.

The express man says Colonel Alexander would attempt to reach the valley of Salt Lake by the Bear river; it is much further than by the usual route, and why he selects it I could not learn, unless from the probability of the grass being burnt by the Mormons on the direct route. These men say that it is certain that they will burn the grass on the route they are about to pursue. Under these circumstances, if I could communicate with Colonel Alexander, I would direct him to take up a good position for the winter, at Ham's fork. The road is beset between this and Ham's fork with companies of Mormons, so that it is doubtful whether I shall be able to communicate with Colonel Alexander.

With great respect, your obdient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding Army of Utah.

Major IRVIN McDOWELL,
Ass't Adj't Gen'l Headquarters of the Army, New York City.

HEADQUARTERS ARMY OF UTAH,
28 *miles from South Pass, October* 15, 1857.

I have read this communication and respectfully refer it to the consideration of the general-in-chief. I will remain near the Pacific Springs with Colonel Smith until the arrival of Lieutenant Smith, and will move on to the army protecting the supply trains.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding Army Utah.

HEADQUARTERS ARMY FOR UTAH,
Camp Winfield, Utah Territory, October 9, 1857.

SIR: I have the honor to report that I have assumed command of the troops of the United States, constituting part of the army for Utah, which are now encamped at this point. These troops are the 5th regiment of infantry, eight companies of the 10th infantry, and the batteries of artillery (6 and 12-pounder) commanded by Captain Phelps, 4th artillery, and Reno, ordnance depot, respectively. This camp is situated on Ham's fork, a tributary of Black fork, which is in turn a tributary of Green river, about 15 miles above the junction of the two forks. Fort Bridger is distant, in a southeast direction, about 30 miles. The 10th infantry reached here on the 28th of September; Phelp's battery on the following day; the 5th infantry arrived on the 4th of October, and Reno's battery on the same day. On the 5th instant I assumed command, for reasons which I conceive to be of the greatest importance to the troops and their supplies, and

of which I shall have the honor to make a full report when a safer and more certain opportunity of sending despatches presents itself. At present, I can give only a statement of what has occurred since my arrival and report the disposition I have determined to make of the troops.

On the day after reaching Ham's fork, and at the first camp I made on it, I received the enclosed letters from Governor Young and Lieutenant General Wells. The propositions they contain, however absurd they are, showed conclusively that a determined opposition to the power of the government was intended.

I had met Captain Van Vliet on the 21st of September, returning from Salt Lake City, and was informed by him, that although the Mormons, or rather Governor Young, were determined to oppose an entrance into the city, yet he was assured that no armed resistance would be attempted, if we went no further than Fort Bridger and Fort Supply. I was still further convinced of this by the circumstance that a train of more than one hundred contractor's wagons had been packed for nearly three week on Ham's fork without defence, and had been unmolested, although they contained provisions and supplies which would have been of great use to the Mormons. Upon securing these letters, I prepared for defence, and to guard the supplies near us until the nearest troops came up. I replied to Governor Young's letter, a copy of which I enclose, and have not had any further correspondence with him. On the morning of the 5th of October, the Mormons burnt two trains of government stores on Green river, and one on the Big Sandy, and a few wagons belonging to Mr. Perry, sutler of the 10th infantry, which were a few miles behind the the latter train. Colonel Waite, of the 5th, though not anticipating any act of the kind, was preparing to send back a detachment to these trains from his camp on Black fork when he received from some teamsters who came in, the intelligence of their being burnt. No doubt now existed that the most determined hostility might be expected on the part of the Mormons, and it became necessary from the extreme lateness of the season to adopt some immediate course for winerting the troops and preserving the supply trains with us. After much deliberation, and assisted by the counsel of the senior officers, I have determined to move the troops by the following route:

Up Ham's fork about 18 miles to a road called Sublette's Cut-off, along that road to Bear river and Soda Spring. On arriving at Soda spring two routes will be open, one down Bear river valley towards Salt Lake, and one to the northeast towards the Wind river mountains, where good valleys for wintering the troops and stock can be found. The adoption of one of these will be decided by the following circumstances: If the force under my command is sufficient to overcome the resistance which I expect to meet at Soda spring, I shall endeavor to force my way into the valley of Bear river and occupy some of the Mormon villages, because I am under the impression that the Mormons, after a defeat, will be willing to treat and bring provisions for sale. The supplies on hand will last six months, and if I can get possession of a town in Bear river valley, I can easily fortify and hold it all the winter. There are also several supply trains in the rear to which

I have communicated, and if they receive my letter in time they will be saved, and can join us. If the Mormons are too strong for us, which I do not anticipate, the other road will be adopted, and I will make the best of my way to the mountains and hut for the winter. I desire to impress upon you the fact that I, though *not* the commander appointed to this army have adopted this course, because the safety of the troops absolutely depends upon an *immediate* effort, and having information which makes it certain that the commander will not reach here before the 20th instant, and if we wait until that time we cannot leave this valley. The information I allude to is to the effect that Colonel Johnston had relieved General Harney, and had not left Fort Leavenworth on the 10th of September; and thirty days is the least possible time in which he can arrive here. I cannot, for fear of this being intercepted, tell you the strength of my command or send returns of it. It is strong enough to defend itself and its supplies; whether it is able to assume and sustain an offensive position remains to be seen, but should the commands which I have heard are in the rear come up in time, I think we will have sufficient force to carry out an active invasion. If we are obliged to winter in the mountains you can perceive, by a reference to Stansbury's maps, that we will have an open road to Salt Lake City in the spring, and one which I am told is open early. By this one attack can be made and attention called from the main road (that by Fort Bridger) which may then be traversed by troops. The Bear river route is, however said, to be the best one into the valley; the other passes through cañons that can be defended by a handful against thousands, and it is moreover so easily obstructed, that in a week it could be made utterly impassable. The want of cavalry is severely felt, and we are powerless on account of this deficiency to effect any chastisement of the marauding bands that are constantly hovering about us. On the 7th instant I detached Captain Marcy, 5th infantry, with 4 companies to Green river, to collect what he could find serviceable from the burnt trains and to disperse any bodies of Mormons he found.

In conclusion, permit me to express the hope that my acts will meet the approval of the government, and on the first opportunity I will make a fuller and more detailed report. It is unquestionably the duty of the government to quell, by overwhelming force, this treasonable rebellion of the governor and people of Utah; and I must most urgently impress upon the War Department the fact that the small body of troops here will need reinforcements and supplies as soon as they can possibly be got here next spring. I would further respectfully suggest that troops should be sent from California and Oregon. It is said that the road from California to Salt Lake is passable all winter, and it is certainly so much earlier in the spring than that from the States.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

Col. S. COOPER,
Adjutant General, U. S. A.

FORT BRIDGER,
September 30, 1857.

SIR: I have the honor to forward you the accompanying letter from His Excellency Governor Young, together with two copies of his proclamation and a copy of the laws of Utah, 1856-'57, containing the organic act of the Territory.

It may be proper to add that I am here to aid in carrying out the instructions of Governor Young.

General Robison will deliver these papers to you, and receive such communication as you may wish to make.

Trusting that your answer and actions will be dictated by a proper respect for the rights and liberties of American citizens.

I remain, very respectfully, &c.,

DANIEL U. WELLS,
Lieutenant General Commanding, Nauvoo Legion.

GOVERNOR'S OFFICE, UTAH TERRITORY,
Great Salt Lake City, September 29, 1857.

SIR: By reference to the act of Congress passed September 9, 1850, organizing the Territory of Utah, published in a copy of the Laws of Utah, herewith forwarded, pp. 146–7, you will find the following:

"SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Utah shall be vested in a governor, who shall hold his office for four years, *and until his successor shall be appointed and qualified*, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof," &c., &c.

I am still the governor and superintendent of Indian affairs for this Territory, no successor having been appointed and qualified, as provided by law; nor have I been removed by the President of the United States.

By virtue of the authority thus vested in me, I have issued, and forwarded you a copy of, my proclamation forbidding the entrance of armed forces into this Territory. This you have disregarded. I now further direct that you retire forthwith from the Territory, by the same route you entered. Should you deem this impracticable, and prefer to remain until spring in the vicinity of your present encampment, Black's fork, or Green river, you can do so in peace and unmolested, on conditions that you deposit your arms and amunition with Lewis Robison, quartermaster general of the Territory, and leave in the spring, as soon as the condition of the roads will permit you to march; and should you fall short of provisions, they can be furnished you, upon making the proper applications therefor. General D. H. Wells will forward this, and receive any communications you may have to make.

Very respectfully,

BRIGHAM YOUNG,
Governor and Superintendent of Indian Affairs, Utah Territory.

The OFFICER COMMANDING *the forces now invading Utah Territory.*

Proclamation by the governor.

CITIZENS OF UTAH: We are invaded by a hostile force, who are evidently assailing us to accomplish our overthrow and destruction.

For the last twenty-five years we have trusted officials of the government, from constables and justices to judges, governors, and Presidents, only to be scorned, held in derision, insulted, and betrayed. Our houses have been plundered and then burned, our fields laid waste, our principal men butchered while under the pledged faith of the government for their safety, and our families driven from their homes to find that shelter in the barren wilderness, and that protection among hostile savages, which were denied them in the boasted abodes of Christianity and civilization.

The Constitution of our common country guarantees unto us all that we do now, or have ever claimed. If the constitutional rights which pertain unto us, as American citizens, were extended to Utah, according to the spirit and meaning thereof, and fairly and impartially administered, it is all that we could ask; all that we have ever asked.

Our opponents have availed themselves of prejudice existing against us, because of our religious faith, to send out a formidable host to accomplish our destruction. We have had no privilege or opportunity of defending ourselves from the false, foul, and unjust aspersions against us before the nation. The government has not condescended to cause an investigating committee, or other person, to be sent to inquire into and ascertain the truth, as is customary in such cases. We know those aspersions to be false; but that avails us nothing. We are condemned unheard, and forced to an issue with an armed mercenary mob, which has been sent against us at the instigation of anonymous letter writers, ashamed to father the base, slanderous falsehoods, which they have given to the public; of corrupt officials, who have brought false accusations against us to screen themselves in their own infamy; and of hireling priests and howling editors, who prostitute the truth for filthy lucre's sake.

The issue which has thus been forced upon us compels us to resort to the great first law of self-preservation, and stand in our own defence, a right guaranteed to us by the genius of the institutions of our country, and upon which the government is based. Our duty to ourselves, to our families, requires us not to tamely submit to be driven and slain, without an attempt to preserve ourselves; our duty to our country, our holy religion, our God, to freedom and liberty, requires that we should not quietly stand still and see those fetters forging around us which are calculated to enslave, and bring us in subjection to an unlawful military despotism, such as can only emanate, in a country of constitutional law, from usurpation, tyranny, and oppression.

Therefore, I, Brigham Young, governor and superintendent of Indian affairs for the Territory of Utah, in the name of the people of the United States, in the Territory of Utah forbid:

First. All armed forces of every description from coming into this Territory, under any pretence whatever.

Second. That all the forces in said Territory hold themselves in readiness to march at a moment's notice to repel any and all such invasion.

Third. Martial law is hereby declared to exist in this Territory from and after the publication of this proclamation, and no person shall be allowed to pass or repass into or through or from this Territory without a permit from the proper officer.

Given under my hand and seal, at Great Salt Lake City, Territory of Utah, this fifteenth day of September, A. D. eighteen hundred and fifty-seven, and of the independence of the United States of America the eighty-second.

BRIGHAM YOUNG.

HEADQUARTERS 10TH REGIMENT OF INFANTRY,
Camp Winfield, on Ham's Fork, October 2, 1857.

SIR: I have the honor to acknowledge the receipt of your communication of September 29, 1857, with two copies of Proclamation and one of "Laws of Utah," and have given it an attentive consideration.

I am at present the senior and commanding officer of the troops of the United States at this point, and I will submit your letter to the general commanding as soon as he arrives here.

In the meantime I have only to say that these troops are here by the orders of the President of the United States, and their future movements and operations will depend entirely upon orders issued by competent military authority.

I am, sir, very respectfully, &c.,

E. B. ALEXANDER,
Col. 10th U. S. Infantry, commanding.

BRIGHAM YOUNG, Esq.,
Governor of Utah Territory.

HEADQUARTERS 10TH INFANTRY, *October* 2, 1857.

Official.

HENRY E. MAYNADIER,
Adjutant 10th Infantry.

HEADQUARTERS ARMY OF UTAH,
South Pass, en route to Salt Lake City, October 18, 1857.

MAJOR: Accompanying this communication I send you two letters from Colonel Alexander, the commander, at present, of the main body of the army of Utah. In his letter of the 8th October, Colonel Alexander questions, by the hesitation with which he assumes them, his right to exercise fully all the duties of commander. His authority to exercise them without restriction is clearly granted by the sixty-second article of war. Moreover, General Orders No. 12, headquarters of the army, specially directs who shall command in the absence of General Harney, or, to be inferred, any other named commander, and sufficiently explains the objects of the expedition; and no question

for the decision of the commander, beyond his ordinary military duties, could arise before the arrival of Governor Cumming.

Misapprehending the authority with which he is invested by law, and the orders of the general-in-chief, that portion of his letter respecting command would be, if he was correct in his view of his own position, a merited reflection upon his superiors, and it is therefore that I have adverted to it. Pursuing his design indicated in his letter of October 8, he, you will learn from his letter of October 14, (herewith,) has advanced up Ham's fork of Green river thirty-five miles above the crossing, (see map herewith,) and there directs the movements to be made by his own immediate command and the troops in his rear, to form a junction, which from erroneous suppositions would be wholly impracticable. First, he evidently believes that Colonel Smith, escorting the remainder of the supply trains, (in all about nine, including three sutler's trains,) is advancing on the Kenney road, or cut-off, with the force named in General Harney's order of August 18, and of course he had not received the countermand of that order. He assumes that the command in rear is capable of a more rapid movement than his own, and, therefore, after waiting one day at the point indicated, will resume his march; in this also he would have been disappointed, as the trains in rear, suffering from fatigue and scarcity of sustenance, and without rest, which the teams with him have had, could not, if where he supposed them, overtake them.

These are the facts, and if known by Colonel Alexander his disposition, as determined in his letter of October 8, would have been wholly different. Colonel Smith is here at this camp with fifty men of his regiment. I overtook him the day before yesterday (16th inst.) about twenty miles east of this, and have added my escort, fifteen dismounted dragoons, to his force. Lieutenant Smith, in command of a squadron of dragoons and fifty of the tenth infantry, a force of about two hundred men, may be expected here in three or four days. He is aware of the necessity of promptness, and, I am sure, will lose no time. Mr. Wm. Magraw, superintendent South Pass wagon road, with a patriotism highly creditable to him, places at the disposition of the government as many of his employees as will volunteer. He thinks fifty or sixty will organize, and I have agreed to accept their service, and have them mustered in for three or six months, as they may solicit; and he has also tendered fifteen good teams of mules and wagons, which I have also accepted, and directed them to be receipted for when delivered. Four supply trains, containing clothing, (of which the troops now in the advance, I am informed, begin to need,) ordnance, medical and subsistence stores, are still in the rear, and may be expected in two or three days. The storm of last night may have destroyed some of their oxen, and on that account there may be more delay than I estimate. Eleven mules of Colonel Smith's train perished from cold last night. The thermometer this morning at sunrise was at $\frac{16}{0}$. The sky is now clear, and the thermometer at one o'clock stands at 34°, and the small quantity of snow that fell during the night is melting, so that the animals can graze freely. I am thus minute, that the reason for the order transmitted to Colonel Alexander yesterday morning (herewith) may be fully comprehended. His intended movements, if met with opposition, would have so retarded his march as to have made it impracticable, and would so have probably entangled him in the midst of the deep snow of the valley of Bear river, which I understand never fails to fall there, and usually early in the season, as to place him beyond the means of extrication. Our most potent enemy at present is the snow, and constitutes at present our chief embarassment.

The movement of Colonel Alexander (for the reasons I have mentioned and of which he could not be apprised,) would have separated him from supplies indispensable to the comfort and safety of the army, and deprived him of the assistance of the force which will be concentrated here in a few days, which, however small, being partly of cavalry, is of vital importance.

In ordering Colonel Alexander to the mouth of Fontenelle creek, a position about thirty miles from his camp on Ham's fork, I did so with the design of making a junction practicable. It is about seventy miles hence, and he can reach it by a good road and without any danger of surprise. There is there abundance of grass, and it is a point from which I can reach the region I intended to occupy this winter without risking the loss of our animals. As soon as the snow falls sufficiently on Green river to prevent the burning of the grass, I will march to Henry's fork and occupy that valley during the winter. It is a commanding position, and accessible two months earlier for reinforcements and supplies by Cheyene Pass than any other, and will enable me to march by Fort Bridger and on the most direct route to Salt Lake City, as soon as practicable in the spring. At this position, also, Colonel Cooke can join, which I still entertain the hope he will be able to do.

I greatly regret that the impossibility of concentrating the troops destined for this service and their supplies will prevent a forward movement before spring. It is now manifest that before the force can be united the autumn will be too far advanced to move with a probability of success, though not opposed by the Mormons.

You are already apprised by the proclamation of Brigham Young and his letter to Colonel Alexander, which I transmitted on the 15th instant, of the political attitude assumed by the Mormons, and the resistance they meditate to the just authority the government desires to exercise in that territory, and the general-in-chief no doubt has already considered the necessity of a conquest of those traitorous people, and has estimated the force necessary to accomplish the object, with a full view of the whole subject before him his great experience would not be benefitted by any suggestions of mine. I will, however, mention, that unless a large force is sent here, from the nature of the country, that a protracted war on their part is inevitable. The great distance from our source of supply makes it impracticable to operate with a small force. It, in fact, requires the employment of such force to guard numerous trains of the supplies, leaving but a small portion, if any, for offensive operations. A movement of troops from California, Oregon, and by this route would terminate a war with the Mormons

speedily and more economically than if attempted by insufficient means.

In five or six days I think we will have all the force available here for a forward movement. By that time the trains will all be up ; they should be here sooner. In twelve days from this time I expect to join Colonel Alexander at or near Fontenelle creek.

The general may be assured that no retrograde movement will be made by this force.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding the Army of Utah.

Major IRVIN MCDOWELL,,
Assistant Adjutant General,
Headquarters of the Army, New York City.

HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 14, 1857.

SIR : The bearer of this, Eli Dufour, is a trustworthy person whom I send to obtain information of the position of any trains or bodies of troops coming this way. If my expresses have been received all troops and trains should be on Kenney's road, and I will be on that with the troops under my command by the 17th, or perhaps the 16th, where that road crosses Ham's fork or near it. I will wait one day and by that time the forces can be joined ; should this be seen by Colonel Johnston or Governor Cumming, I desire to impress upon them the necessity of a rapid march to join us. Eli will tell all that has occurred and his statements may be relied on. I wish him sent back to me as soon as possible with the fullest information concerning the troops. This column is so encumbered with ox wagons that its march is very slow, and it will be easy to overtake it.

The Mormons are preparing as I learn to attack us, and it will require all the troops that can be got up to defend the supplies, and overcome resistance. I can hold a position, however, against any force, but the trains will prevent my going on in the face of an attack.

Very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel Commanding.

To any officer of the United States army,
en route to Utah, or GOVERNOR CUMMING.

NOTE.—I am extremely anxious to hear from Colonel Johnston or the governor, and hope they will join or send me their views. No expresses have reached us.

E. B. A.

HEADQUARTERS ARMY FOR UTAH,
Camp Winfield, on Ham's Fork, October 8, 1857.

GENTLEMEN : I feel it my duty to address you the following remarks upon the condition of the troops of the United States, which are now

here, and to inform you of the disposition to be made of them. The 5th and 10th regiments of infantry, and the batteries under Captains Phelps and Reno, have been encamped here for the last eight or ten days. Seven ox trains have arrived here and are now guarded by the troops, thus furnishing a supply of provisions for about six months. The Mormons are committing acts of hostility and depredation, and have already burnt three trains containing supplies.

The season is late and the time in which military operations can be effected is very limited ; the total supply of forage will last only fourteen days, and it is evident that before the expiration of that time the troops must either be at their wintering place, or from loss of animals they will be unable to transport supplies to it. No information of the position or intentions of the commanding officer has reached me, and I am in utter ignorance of the objects of the government in sending troops here, or the instructions given for their conduct after reaching here. I have had to decide upon the following points : 1st. The necessity of a speedy move to winter quarters. 2d. The selection of a point for wintering, and 3d. The best method of conducting the troops and supplies to the point selected. In regard to the first, the question was, "Should I, in virtue of my seniority, and the circumstances of the case, move the troops on, or await the arrival of the commander?" I received, about this time, reliable information that Colonel Johnson was placed in command, and that he had not left Fort Leavenworth on the 10th of September. I decided to move, as it would jeopardize everything to wait Colonel Johnson's arrival, which could not take place before the 20th of October. The selecting of a wintering place was next to be considered, and of those suggested, the following were deliberated upon : 1st. The east side of Wind river mountains, going back to the South Pass. 2d. Henry's fork of Green river and Brown's hole. 3d. The vicinity of Fort Hall on Beaver Head mountain. The distances from the present position would be, respectively, about 110, 90, and 140 miles.

Independent of its being a retrograde movement, the scarcity of grass, and the uncertainty of finding a wintering place of suitable character in the Wind river mountains, were sufficient objections to the first. The second position was accessible and convenient, but the strong probability that the Mormons would burn the grass, and the well established fact that it would be very late in the spring before the troops could leave their winter quarters and become effective, decided me against this project. The third I have adopted, and I will move as soon as practicable by the following route : Up Ham's fork, on which we are now encamped, about eighteen miles, to the road called Sublette's cut-off, then by that road to Bear river and Soda spring, thence by the emigrant road to the north and east, where I am assured good wintering vallies can be easily found. There are also, in that vicinity, and at Fort Hall, many herds of good cattle which can be depended upon for subsistence. It is believed, on some authority, that the Mormons will make a stand at a fortified place near Soda spring, and if so, an engagement will take place. This, if successful for us, which I do not doubt, may lead the head of the Mormon church to treat, and by following up a success totally, we may

be enabled to obtain quarters and provisions in Salt Lake valley. But, in any event, we have good wintering open to us outside of the Territory of Utah, and abundant supplies of cattle, and in the spring we will be ready to march down by the broad valley of Bear river to the great Salt Lake City.

To reach this point commands should take Kenney's cut off from Green river to Soda spring, a road which runs nearly parallel to Sublette's cut off, and which is said to be better for grass and water. After searching the South Pass, where all trains have been directed to stop until they can be overtaken by troops for escort, the road lies nearly due west, and if any doubts are entertained, persons can be found on Green river who will point it out. The road from Green river to the Bear river valley will be passable for three weeks yet, and as soon as your arrival at Bear river is known, information will be furnished for your guidance.

Very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

To the OFFICERS *of the United States army*
Commanding forces en route to Utah.

Received, headquarters army of Utah, 8 p. m., 16th October.

HEADQUARTERS ARMY OF UTAH,
Camp 12 miles east of the South Pass,
En route to Salt Lake City, October 16, 1857.

SIR: Colonel Johnston wishes to concentrate the command, with the view of wintering in an eligible spot already selected. To effect this, and not cause suspicion of the intention, he wishes you to proceed by slow marches, moving your camp short distances, and gradually working your way by Sublette's road to, or near the mouth of Fontenelle creek, so that he can join you, about eleven days hence, with this command and all the trains now in your rear. The route has been indicated to the bearer, Dufour.

Although I enclose the order of Colonel Johnston assuming command, he wishes you to give all necessary orders, and to treat as enemies all who oppose your march, molest your teams, appear in arms on your route, or any in manner annoy you.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Colonel E. B. ALEXANDER,
Commanding the advance of the army of Utah.
Sent by express 7 a. m. on the 17th.

HEADQUARTERS BATTALION 10TH INFANTRY,
Camp on Sweetwater river, 257⅜ *miles from*
Fort Laramie, Utah Territory, October 13, 1857.

SIR: On my march this morning, I met an express from Captain Marcy, 5th infantry, dated Green river crossing on the 9th instant, a copy of which I enclose for the commander of the army for Utah.

There were two men accompanying Mr. Deshand, the express, one of whom, Mr. Laramie, of Fort Laramie, told me he had been entrusted by Colonel Alexander, 10th infantry, with letters for me, with orders to destroy them in case he was overhauled by the Mormons; which letters he had destroyed on meeting with a party of the same, to prevent their falling into hostile hands. This doubtless accounts for not having particulars of the outrages alluded to by Captain Marcy. The express man who delivered to me Captain Marcy's note concealed it in his moccasin, and they only suffered him to pass unsearched from his having been long a resident of the country, (he is a half-breed Frenchman,) and on his assurance that he was looking for his cattle and had no letters.

The information which will meet you on the road by the returning members of Mr. McGraw's surveying party is unquestionably correct. Without calling in question the veracity of Mr. Ficklin, one of the engineers of the party who carried to Mr. McGraw's camp the news of his being stopped by an armed party of fifty or sixty Mormons, and of the destruction of three of our supply trains, I must confess that heretofore I put no faith in the story, thinking it originated in some mistake, or that he had been qiuzzed by teamsters.

Mr. Deshand, whom I shall employ as a guide in my advance, could not inform me of the number of Mormons now in the field operating against us, but he says there may be several hundred, all mounted, though he has not known of more than eighty being in a body. They (the Mormons) say no more supplies shall go forward; that they will not shed blood; but if a Mormon is killed by us they will utterly exterminate the gentile army. As the threats of their leaders to Captain Van Vliet, coupled with the burning of our supply trains—in itself an act of war—is evidence of their treason, I shall regard them as enemies, and *fire* upon the scoundrels if they give me the least opportunity.

There are four supply trains for the army behind me. I shall move about thirty miles in front, which would bring me to sixty miles from Green river, and there remain until those trains are up and then serve as their escort, taking the route by the Big Sandy as recommended by Colonel Alexander.

The grass is better after you strike the Sweetwater than between that and Fort Laramie. There are not exceeding 20 sacks of corn at the bridge on the Platte, and about the same quantity at the bridge on the Sweetwater. We have had snow twice, with quite cold weather.

Deducting the escort of 50 men, left at Fort Laramie for the governor of Utah, I have but the remnants of companies A and B, 10th infantry, say 50 men. One of the sutler's trains (Perry's) near me can get up 30 rifles. These, with some armed teamsters in the supply trains, will give a respectable force for the guerilla war promised us.

A cavalry force is the great want ahead.

In haste, very respectfully, your obedient servant,

C. F. SMITH,
Lieutenant Colonel 10th Infantry and Brevet Colonel Commanding.

The ASSISTANT ADJUTANT GENERAL,
Headquarters Army of Utah, Fort Leavenworth, Kansas.

[Copy for commander of the army for Utah.]

Captain R. B. Marcy to Colonel C. F. Smith.

GREEN RIVER CROSSING,
October 9, 1857.

I have just arrived here from the camp of the army on Ham's fork of Green river; it is a fork of Black river. Before my departure Colonel Alexander desired me to procure an express at this point and send it to you, with the information that the army would leave its present position on the 10th or 11th instant to go in the direction of Soda springs, on Bear river. Colonel Alexander will strike up Ham's fork until he intersects the road to Fort Hall, ("Sublette's cut-off.") But he advises you to come on down the Big Sandy, until you reach "Kenney's cut-off," upon which you will find a plenty of water, while upon the other road it is scarce.

I send this by a man who knows the country well, and he has promised to escort you across to us. I have directed him to stop all the trains he meets until you reach them, when the colonel wishes you to take them into your train.

I have learned of four trains of supplies being destroyed, but I am fearful there are more.

Very sincerely, yours,

R. B. MARCY,
Captain 5th Infantry.

Colonel C. F. SMITH.

Official:

C. F. SMITH,
Lieut. Col. 10th Infantry, and Brevet Colonel,
Com'g Battalion 10th Infantry.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 5, 1857.

SIR: The colonel commanding directs me to express the hope that, on arriving at this post, you will be able to continue your march to join the troops in advance; but, to effect this, you must not rely upon finding corn beyond this point. Two trains loaded with corn will precede you to this depot. From this supply you will take all you can carry and push on through the South Pass, permitting nothing but the rapid approach of winter and an impracticable march delaying you. The weather continues fair, and indications of a long autumn gives assurances that your energy will overcome the obstacles in your path; but if forced to halt, and all probability of joining him is precluded, the colonel commanding relies upon your judgment to establish the command in the vicinity of this post so as best to secure its comfort and safety.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. P. ST. GEO. COOKE,
Commanding 2d Dragoons, en route to Salt Lake City.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 6, 1857.

SIR: The colonel commanding directs that the guide (Jeemise) authorized to accompany you be taken as far only as Platte's bridge, and from thence sent to this post to await the arrival of Colonel Cooke and report to him.

At Platte bridge you will employ another guide to accompany you to the end of your march.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

First Lieut. W. D. SMITH,
Commanding Battalion 2d Dragoons, and 10th Infantry.

HEADQUARTERS ARMY OF UTAH,
Fort Laramie, en route to Salt Lake City, October 6, 1857.

SIR: On your arrival at this post you will find a guide, (Jeemise,) who is represented as an excellent man, to point out good camping grounds and points where grass can be found. Should snow overtake you beyond this post, he is recommended to you for that purpose, and the colonel commanding authorizes you to employ him as a guide.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. P. ST. GEORGE COOKE,
Commanding 2d Dragoons.

HEADQUARTERS ARMY OF UTAH, PLATTE BRIDGE, N. T.,
En route to Salt Lake City, October 10, 1857.

SIR: The colonel wishes to hear of your progress, as his movements, in some measure, will be regulated by yours, and he therefore desires you to send forward by express such information as may be of advantage to him. The trains (supply) are moving forward very well; the grass is not so bad as represented, and is starting again since the rains.

The bearer of this is your guide.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. P. ST. GEORGE COOKE,
Commanding 2d Dragoons.

HEADQUARTERS ARMY OF UTAH,
Camp at the three crossings of the Sweetwater,
October 12, 1857.

SIR: I am directed by the colonel commanding to notify you that your command will be needed for the protection of the supply trains now gathering at the head of the Sweetwater, and that he wishes you to hasten your movements and join Brevet Colonel C. F. Smith, 10th infantry, as early as practicable.

After passing Willow springs you will find the grazing very good, particularly this side of "Devil's Gate" on the Sweetwater, close to the mountains.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

First Lieut. W. D. SMITH, 2*d Dragoons*,
Commanding battalion 2*d Dragoons and* 10*th Infantry.*

HEADQUARTERS ARMY OF UTAH,
Camp twelve miles east of South Pass,
En route to Salt Lake City, October 16, 1857.

SIR: The colonel commanding, desirous of obtaining additional means of transportation for the supplies of this army, requests from you for the ensuing three months, or till such time as you will require them for the continuation of your labor, the services of the fifteen wagons and six mule teams which you offered to place at his disposal if required.

This means of transportation the colonel wishes delivered to him in the vicinity of the Pacific springs, as soon as practicable.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

WM. M. F. MAGRAW,
Superintendent South Pass wagon road.

HEADQUARTERS ARMY OF UTAH,
Camp 12 *miles east of the South Pass,*
En route to Salt Lake City, October 16, 1857.

SIR: I am directed by the colonel commanding to inform you that if any of your employés are willing to enter the military service for three months he will receive them and have them mustered in for that period as soon as organized, giving them the right to elect their own officers and non-commissioned officers, in the proportion of one captain, two lieutenants, two musicians, four sergeants, and four corporals to a company of forty-two privates.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

WM. M. F. MAGRAW,
Superintendent South Pass wagon road.

HEADQUARTERS ARMY OF UTAH,
South Pass, en route to Salt Lake City, October 21, 1857.

SIR: I have the honor to acknowledge the receipt of the following communications from your office since September 1, 1857, viz:

General Orders, Nos. 9 and 12.

Circular, dated August 26, 1857.

Letter, dated September 1, 1857, enclosing copy of instructions for the government of the commander of the Utah expedition.

Letter, dated September 2, 1857, reporting that books and blanks have been forwarded to General Harney, &c.

Copies of Army Regulations for 1857, *Cross;* Military Laws, Ordnance Manual, Ordnance Regulations, Macomb's Practice of Courts Martial, Cavalry Tactics, Scott's Infantry Tactics, Hardee's Light Infantry and Rifle Tactics, Foot and Heavy Artillery Tactics, and forty-six blank Department Returns.

No other books or blanks from your office have been received or turned over to me.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2*d Cavalry, commanding Army of Utah.*

To the ADJUTANT GENERAL UNITED STATES ARMY,
Washington city, D. C.

HEADQUARTERS ARMY OF UTAH,
Big Timbers, on Big Sandy,
En route to Salt Lake City, October 30, 1857.

SIR: The colonel commanding, with a view of securing army supplies, to-day reported as in store at Baptiste's trading station, directs that, secretly, at two o'clock to-night, you move from this camp, by the direct route, to that station and take possession of all government stores you find, until delivered to the proper officers with this command. The ford at Green river is easy to cross, being not more than knee deep.

He also directs that you keep your command and the occupants of the houses concealed, permitting no egress and securing all persons approaching the station.

Should any armed mounted men approach your party you will knock them out of their saddles and capture, if practicable, and treat as enemies all persons who molest you or appear in arms on your route.

A non-commissioned officer and four privates will accompany your command to enable you to communicate, if necessary, with these headquarters.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Capt. B. E. BEE,
10*th Infantry, Big Timbers, Big Sandy.*

HEADQUARTERS ARMY OF UTAH,
Black's Fork, 3 miles below mouth of Ham's Fork,
En route to Salt Lake City, November 5, 1857.

MAJOR: I have the honor to inform you that I arrived here on the 3d instant. This place I designated in a communication to Colonel Alexander subsequent to my letter to you from the South Pass of the 18th of October, at which the force (consisting of one squadron of dragoons, two companies of the 10th infantry, and one company of volunteers, in all about 300 men,) under the command of Colonel C. F. Smith, charged with the duty of protecting the trains of supplies for the army, could, with the most facility, join the main body. Colonel Smith, with his command, and the numerous trains guarded by it, reached here on the 30th instant. The march was slow and tedious, and effected in eight days, averaging eleven miles per day; although the road was excellent and the weather fine, it was not possible to make any more rapid progress on account of the broken down condition of the draught animals. Trains, including sutlers and merchants destined for Salt Lake, (which I would not allow to go on,) in as close order as they could be made to travel, occupied a space of five or six miles. No molestation whatever was attempted by the Mormons, which may be attributed to the presence of the cavalry, and the judicious dispositions and vigilance of Colonel Smith. Yesterday and to-day have been occupied in making arrangements necessary for a forward movement, which my orders (herewith) will explain. To-morrow I will march upon Fort Bridger and dislodge any force I may find there, and await the arrival of Colonel Cooke, when, as the approach of winter is too near to attempt the passage of the Wahsach range of mountains with a probability of success, I will seize upon the district mentioned in my letter from South Pass, and occupy it until an advance is practicable.

The communication of Brigham Young to Colonel Alexander, and Elder Taylor to Captain Marcy, and the orders of D. Wells, the commander of the Mormons, (herewith,) and the acts of the legislative assembly at the last session, show a matured and settled design on the part of the sect of Mormons to hold and occupy this Territory independent of, and irrespective of the authority of the United States. They have, with premeditation, placed themselves in rebellion against the Union, and entertain the insane design of establishing a form of government thoroughly despotic, and utterly repugnant to our institutions. Occupying, as they do, an attitude of rebellion and open defiance to the government, connected with numerous overt acts of treason, (see orders and commission herewith, issued by the leaders,) I have ordered that wherever they are met in arms, that they be treated as enemies. In my letter from the South Pass I submitted to the consideration of the general-in-chief the necessity, on the part of the government, of prompt and vigorous action. That the time for any further argument is past, and, in my opinion, the people of the United States must now act, or submit to an usurpation of their Territory, and the engrafting upon our institutions a social organization and political principles totally incompatible with our own. Lest that letter may not have been received, I send herewith a copy.

The state of things now existing has not been brought about by the movement of troops in this direction, for these people understand the relation of the military to the civil power of the government as well as any other portion of the inhabitants of the Union, and that the arms of our soldiers are designed for the preservation of the peaceful condition of society, and not for its disturbance. Their conduct, as I have before stated as my opinion, results from a settled determination on their part not to submit to the authority of the United States, or any other outside of their church. Enclosed is a statement by the chief commissary of the amount of subsistence destroyed under the orders of Brigham Young. The loss, although great, is less than I apprehended. A supply, early in the spring, must be forwarded. It should reach here by the first of June. The supplies of the contractors, sutlers, &c., for their employés, have been exhausted; so long a detention with the army was not anticipated by them. It has thus become necessary to give them bread, as there is no other source from which they can obtain it.

Should a long interval intervene without hearing from me, you need only attribute it to the difficulty of sending expresses across the mountains in the winter months. The officers and men are in fine health, and animated with an ardent desire to discharge their duty faithfully.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding the Army of Utah.

Major IRVIN MCDOWELL,
Assistant Adjutant General, Headquarters of the Army.

P. S.—We have made one day's march since the date of this, and are now (November 27) waiting the arrival of trains delayed yesterday by a storm. Our trains occupy, in as close order as they can travel, the road for thirteen or fourteen miles; therefore, the rear cannot move until late in the day.

A. S. J.

GREAT SALT LAKE CITY,
October 7, 1857.

SIR: Presuming that during a dearth of news from the east and your home, news from the west might enliven the monotonous routine of camp life, I have the honor to forward to you two copies each of the latest numbers of the Deseret News.

Very respectfully,

BRIGHAM YOUNG.

E. B. ALEXANDER,
Colonel Commanding 10th Infantry, U. S. Army.

IN CAMP, NEAR BEAR RIVER,
October 8, 1857.

SIR: I have the honor to forward you the accompanying letters and papers for yourself, Col. Waite and Captain Phelps, sent to my care, by his Excellency Governor Young.

I remain, sir, very respectfully,

DANIEL H. WELLS,
Lieutenant General, Nauvoo Legion.

Colonel E. B. ALEXANDER.

HEADQUARTERS ARMY OF UTAH,
Camp Winfield, October 10, 1857.

SIR: Colonel Alexander, commanding the United States troops, directs me to acknowledge the receipt by your messengers of packages of papers for himself, Colonel Waite and Captain Phelps.

He appreciates highly the kind attention and politeness shown to him and the officers of the army, and begs that you will accept his thanks.

I am, sir, with high respect, your obedient servant,

HENRY E. MAYNADIER.

His Excellency BRIGHAM YOUNG,
Governor of Utah.

GREAT SALT LAKE CITY, U. T.,
October 14, 1857.

COLONEL: In consideration of our relative positions—you acting in your capacity as commander of the United States forces, and in obedience, as you have stated, to orders from the President of the United States, and I as governor of this Territory, impelled by every sense of justice, honor, integrity and patriotism to resist what I consider to be a direct infringement of the rights of the citizens of Utah, and an act of usurpation and tyranny unprecedented in the history of the United States—permit me to address you frankly as a citizen of the United States, untrammelled by the usages of official dignity or military etiquette.

As citizens of the United States, we both, it is presumable, feel strongly attached to the Constitution and institutions of our common country; and, as gentlemen, should probably agree in sustaining the dear bought liberties bequeathed by our fathers—the position in which we are individually placed being the only apparent cause of our present antagonism; you, as colonel commanding, feeling that you have a rigid duty to perform in obedience to orders, and I, a still more important duty to the people of this Territory.

I need not here reiterate what I have already mentioned in my official proclamation, and what I and the people of this Territory universally believe firmly to be the object of the administration in the present expedition against Utah, viz: the destruction, if not the entire

annihilation of the Mormon community, solely upon religious grounds, and without any pretext whatever; for the administration do know, from the most reliable sources, that the base reports circulated by Drummond, and others of their mean officials, are barefaced calumnies. They do, moreover, know that the people of Utah have been more peacaeble and law abiding than those of any other Territory of the United States, and have never resisted even the wish of the President of the United States, nor treated with indignity a single individual coming to the Territory under his authority, although the conduct and deportment of many of them have merited, and in any other State or Territory would have met with summary punishment. But when the President of the United States so far degrades his high position, and prostitutes the highest gift of the people as to make use of the military power (only intended for the protection of the people's rights) to crush the people's liberties, and compel them to receive officials so lost to self respect as to accept appointments against the known and expressed wish of the people, and so craven and degraded as to need an army to protect them in their position, we feel that we should be recreant to every principle of self respect, honor, integrity, and patriotism, to bow tamely to such high handed tyranny, a parallel for which is only found in the attempts of the British government, in its most corrupt stages, against the rights, liberties and lives of our forefathers. Now, colonel, I do not charge you, nor those serving under you, with the instigation of these enormities. I consider that you are only the agent made use of by the administration, probably, unwillingly so, to further their infamous designs. What high minded gentleman can feel comfortable in being the mere cat's paw of political jugglers and hucksters, penny-a-liners, hungry speculators, and disgraced officials. Yet it is from the statements of such characters only that the administration has acted, attaching the official seal to your movements. Now, I feel that, when such treason is perpetrated, unblushingly, in open daylight against the liberties and most sacred rights of the citizens of this Territory, it is my duty, and the duty of every lover of his country and her sacred institutions, to resist it, and maintain inviolate the Constitution of our common country.

Perhaps, colonel, you may feel otherwise; education and associations have their influences; but I have yet to learn that United States officers are implicitly bound to obey the dictum of a despotic President, in violating the most sacred constitutional rights of American citizens.

We have sought diligently for peace. We have sacrificed millions of dollars worth of property to obtain it, and wandered a thousand miles from the confines of civilization, severing ourselves from home, the society of friends, and everything that makes life worth enjoyment. If we have war, it is not of our seeking; we have never gone nor sought to interfere with the rights of others, but they have come and sent to interfere with us. We had hoped that, in this barren and desolate country, we could have remained unmolested; but it would seem that our implacable, blood-thirsty foes envy us even these barren deserts. Now, if our real enemies, the mobocrats, priests, editors and politicians, at whose instigation the present storm has

been gathered, had come against us, instead of you and your command, I should never have addressed them thus. They never would have been allowed to reach the South Pass. In you we recognize only the agents and instruments of the administration, and with you, personally, have no quarrel. I believe it would have been more consonant with your feelings to have made war upon the enemies of your country than upon American citizens. But, to us, the end to be accomplished is the same, and while I appreciate the unpleasantness of your position, you must be aware that circumstances compel the people of Utah to look upon you, in your present belligerent attitude, as their enemies and the enemies of our common country, and notwithstanding my most sincere desires to promote amicable relations with you, I shall feel it my duty, as do the people of the Territory, universally, to resist to the utmost every attempt to encroach further upon their rights.

It, therefore, becomes a matter for your serious consideration, whether it would not be more in accordance with the spirit and institutions of our country to return with your present force, rather than force an issue so unpleasant to all, and which must result in much misery and, perhaps, bloodshed, and, if persisted in, the total destruction of your army. And, furthermore, does it not become a question whether it is more patriotic for officers of the United States army to ward off, by all honorable means, a collision with American citizens, or to further the precipitate move of an indiscreet and rash administration, in plunging a whole Territory into a horrible, fratricidal and sanguinary war.

Trusting that the foregoing considerations may be duly weighed by you, and that the difficulties now impending may be brought to an amicable adjustment, with sentiments of esteem, I have the honor to remain, most respectfully, &c.,

BRIGHAM YOUNG.

GOVERNOR'S OFFICE,
Great Salt Lake City, Utah Territory, October 16, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, at 8½ this morning, and embrace the earliest opportunity to reply, out of courtesy to your position, at this late season of the year.

As you officially allege it, I acknowledge that you and the forces have been sent to the Territory by the President of the United States, but we shall treat you as though you were open enemies, because I have so many times seen armies in our country, under color of law, drive this people, commonly styled "Mormons," from their homes, while mobs have followed and plundered at their pleasure, which is now most obviously the design of the general government, as all candid thinking men know full well. Were not such the fact, why did not the government send an army here to protect us against the savages when we first settled here, and were poor and few in number? So

contrary to this was their course, that they sent an informal requisition for five hundred of our most efficient men, (while we were in an Indian country and striving to leave the borders of the United States, from which its civilization (?) had expelled us,) with a preconcerted view to cripple and destroy us. And do you fancy for a moment that we do not fully understand the tender (?) mercies and designs of our government against us? Again, if an army was ordered here for peaceful purposes, to protect and preserve the rights and lives of the innocent, why did government send here troops that were withdrawn from Minnesota, where the Indians were slaughtering men, women, and children, and were banding in large numbers, threatening to lay waste the country?

You mention that it is alone in my gubernatorial capacity that you have any business with me, though your commanding officer, Brevet Brigadier General Harney, addressed his letter by Captain Van Vliet to "President Brigham Young, of the society of Mormons."

You acknowledge the receipt of my official proclamation, forbidding your entrance into the Territory of Utah, and upon that point I have only to again inform you that the matter set forth in that document is true, and the orders therein contained will be most strictly carried out.

If you came here for peaceful purposes, you have no use for weapons of war. We wish, and ever have wished for peace, and have ever sued for it all the day long, as our bitterest enemies know full well; and though the wicked, with the administration now at their head, have determined that we shall have no peace except it be to lie down in death, in the name of Israel's God we will have peace, even though we be compelled by our enemies to fight for it.

We have, as yet, studiously avoided the shedding of blood, though we have resorted to measures to resist our enemies, and through the operations of those mild measures you can easily perceive that you and your troops are now at the mercy of the elements, and that we live in the mountains, and our men are all mountaineers. This the government should know, and also give us our rights and then let us alone.

As to the style of those measures, past, present, or future, persons acting in self-defence have of right a wide scope for choice, and that, too, without being very careful as to what name their enemies may see fit to term that choice; for both we and the Kingdom of God will be free from all hellish oppressors, the Lord being our helper. Threatenings to waste and exterminate this people have been sounded in our ears for more than a score of years, and we yet live. The Zion of the Lord is here, and wicked men and devils cannot destroy it.

If you persist in your attempt to permanently locate an army in this Territory, contrary to the wishes and constitutional rights of the people therein, and with a view to aid the administration in their unhallowed efforts to palm their corrupt officials upon us, and to protect them and blacklegs, black hearted scoundrels, whore-masters, and murderers, as was the sole intention in sending you and your troops here, you will have to meet a mode of warfare against which your tactics furnish you no information.

As to your inference concerning "public and private letters," it contains an ungentlemanly and false insinuation; for, so far as I have

any knowledge, the only stopping or detaining of the character you mention has alone been done by the Post Office Department in Washington; they having, as you must have known, stopped our mail from Independence, Missouri, by which it was but fair to presume that you, as well as we, were measurably curtailed in mail facilities.

In regard to myself and certain others, having placed ourselves "in a position of rebellion and hostility to the general government of the United States," I am perfectly aware that we understand our true and most loyal position far better than our enemies can inform us. We, of all people, are endeavoring to preserve and perpetuate the genius of the Constitution and constitutional laws, while the administration and the troops they have ordered to Utah are, in fact, themselves the rebels, and in hostility to the general government. And if George Washington was now living, and at the helm of our government, he would hang the administration as high as he did André, and that, too, with a far better grace and to a much greater subserving the best interests of our country.

You write, "It becomes you to look to the consequences, for you must be aware that so unequal a contest can never be successfully sustained by the people you govern." We have counted the cost it may be to us; we look for the United States to endeavor to swallow us up, and we are prepared for the contest, if they wish to forego the Constitution in their insane efforts to crush out all human rights. But the cost of so suicidal a course to our enemies we have not wasted our time considering, rightly deeming it more particularly their business to figure out and arrive at the amount of so immense a sum. It is now the kingdom of God and the kingdom of the devil. If God is for us we will prosper, but if He is for you and against us you will prosper, and we will say amen; let the Lord be God, and Him alone we will serve.

As to your obeying "orders," my official counsel to you would be for you to stop and reflect until you know wherein are the just and right, and then, David Crocket like, go ahead. But if you undertake to come in here and build forts, rest assured that you will be opposed, and that you will need all the force now under your command, and much more. And, in regard to your warning, I have to inform you that my head has been sought during many years past, not for any crime on my part, or for so much as even the wish to commit a crime, but solely for my religious belief, and that, too, in a land of professed constitutional religious liberty.

Inasmuch as you consider your force amply sufficient to enable you to come to this city, why have you so unwisely dallied so long on Ham's fork at this late season of the year?

Carrying out the views of the government, as those views are now developing themselves, can but result in the utter overthrow of that Union which we, in common with all American patriots, have striven to sustain; and as to our failure in our present efforts to uphold rights justly guaranteed to all citizens of the United States, that can be better told hereafter.

I presume that the "spirit" and tenor of my reply to your letter will be unsatisfactory to you, for doubtless you are not aware of the

nature and object of the service in which you are now engaged. For your better information, permit me to inform you that we have a number of times been compelled to receive and submit to the most fiendish proposals, made to us by armies virtually belonging to the United States, our only alternative being to comply therewith. At the last treaty forced upon us by our enemies, in which we were required to leave the United States, and with which we, as hitherto, complied, two United States senators were present, and pledged themselves, so far as their influence might reach, that we should be no more pursued by her citizens. That pledge has been broken by our enemies, as they have ever done when this people were a party, and we have thus always proven that it is vain for us to seek or expect protection from the officials of the administrators of our government. It is obvious that war upon the saints is all the time determined, and now we for the first time possess the power to have a voice in the treatment that we will receive, and we intend to use that power, so far as the Constitution and justice may warrant, which is all we ask for. True, in struggling to sustain the Constitution and constitutional rights belonging to every citizen of our republic, we have no arm nor power to trust in but that of Jehovah and the strength and ability that He gives us.

By virtue of my office as governor of the Territory of Utah, I command you to marshal your troops and leave this Territory, for it can be of no possible benefit to you to wickedly waste treasures and blood in prosecuting your course upon the side of a rebellion against the general government by its administrators. You have had and still have plenty of time to retire within reach of supplies at the east, or to go to Fort Hall. Should you conclude to comply with so just a command and need any assistance to go east, such assistance will be promptly and cheerfully extended. We do not wish to destroy the life of any human being, but, on the contrary, we ardently desire to preserve the lives and liberty of all, so far as it may be in our power. Neither do we wish for the property of the United States, notwithstanding they justly owe us millions.

Colonel, should you, or any of the officers with you, wish to visit this city, unaccompanied by troops, as did Captain Van Vliet, with a view to personally learn the condition and feelings of this people, you are at liberty to do so, under my cheerfully proffered assurance that you will be safely escorted from our outposts to this city and back, and that during your stay in our midst you will receive all that courtesy and attention your rank demands. Doubtless you have supposed that many of the people here would flee to you for protection upon your arrival, and if there are any such persons they shall be at once conveyed to your camp in perfect safety, so soon as such fact can be known.

Were you and your fellow officers as well acquainted with your soldiers as I am with mine, and did they understand the work they were now engaged in as well as you may understand it, you must know that many of them would immediately revolt from all connexion with so ungodly, illegal, unconstitutional, and hellish a crusade

against an innocent people, and if their blood is shed it shall rest upon the heads of their commanders.

With us it is the kingdom of God or nothing.

I have the honor to be, your obedient servant,

BRIGHAM YOUNG,
Governor and Superintendent of Indian Affairs U. T.

E. B. ALEXANDER,
Colonel 10th Infantry, U. S. A.

HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 19, 1857.

SIR: I have received by the hands of Lieut. Col. Beatie your letter of the 16th instant. It is not necessary for me to argue the points advanced by you, and I have only to repeat my assurance that no harm would have happened to any citizen of Utah through the instrumentality of the army of the United States, in the performance of its legitimate duties without molestation. My disposition of the troops depend upon grave considerations not necessary to enumerate, and considering your order to leave the Territory illegal and beyond your authority to issue, or power to enforce, I shall not obey it.

I am, sir, with respect, your obedient servant,

E. B. ALEXANDER,
Colonel Commanding, 10th Infantry U. S. A.

His Excellency BRIGHAM YOUNG,
Governor of Utah Territory.

GREAT SALT LAKE CITY,
October 27, 1857.

SIR: At the request of Mr. Wm. A. Hickman, I take the liberty of stating, from a letter in my possession, signed "Chas. A. Perry," dated Weston, Missouri, that he had appointed Mr. Hickman his agent and attorney for him in this Territory for the collection of debts, &c. As one of the administrators of the late Colonel A. M. Babbitt, (who had acted as agent for Perry,) I was in possession of the papers of Mr. Perry, and refused to deliver them over till more fully authorized. Mr. Hickman has spoken frequently to me of his expecting Mr. Perry out this fall, and of his anxiety to see him in relation to his business; and doubtless it was to that end that he sent his brothers to your camp with a letter to Mr. Perry.

I have the honor to be, very respectfully, yours,

W. H. HOOPER.

Colonel ALEXANDER.

GOVERNOR'S OFFICE,
Great Salt Lake City, October 28, 1857.

SIR: Having learned that Mrs. Mago, with her infant child, wishes to join her husband in your camp, also that Mr. Jesse Jones, who

has been in this city a few weeks, was anxious to see Mr. Roup, it has afforded me pleasure to cause the necessary arrangements to be made for their comfortable and safe conveyance to your care, under the conduct and protection of Messrs. John Harvey, Joseph Sharp, Adam Sharp, and Thomas J. Hickman, the bearers of this communication.

Mrs. Mago and her infant are conveyed to your camp, in accordance with my previously often expressed readiness to forward to you such as might wish to go, and is the only resident of that description in Utah, as far as I am informed. Her husband made his first appearance here in the capacity of a teamster for Capt. W. H. Hooper. He was then in very destitute circumstances; has since been in the employ of the late United States surveyor general of Utah, and I am not aware that he has any property or tie of any description in this Territory, except the wife and child now conveyed to him in your camp. Should Colonel Conby and lady wish to partake of the hospitalities proffered by Mr. Haywood and family, and should Captain R. B. Marcy desire to favor me with a visit, as I infer from his letter of introduction forwarded and in my possession, or should you or any other officers in your command wish to indulge in a trip to this city, you will be kindly welcomed and hospitably entertained, and the vehicle and escort now sent to your camp are tendered for conveyance of such as may receive your permission to avail themselves of this cordial invitation.

It is also presumed that your humane feelings will prompt you, in case there are any persons who wish to peacefully leave your camp for this city, to permit them to avail themselves of the protection and guidance of the escort now sent.

Trusting that this communication will meet your entire approval and hearty co-operation, I have the honor, sir, to be your obedient servant,

BRIGHAM YOUNG,
Governor and Superintendent of Indian Affairs, U. T.

Colonel E. B. ALEXANDER,
Tenth Infantry A. S. A., Camp Ham's Fork.

UNITED STATES OF AMERICA.

TERRITORY OF UTAH, } *ss.*
Green River county, }

The United States of America to B. F. Ficklin, marshal pro tem. of said Territory, greeting:

You are hereby commanded to take Joseph Taylor, and him safely keep, so that you have his body before the district court of the United States for the county aforesaid at the next term thereof, hereafter to be holden, then and there to answer to the United States, aforesaid, on the charge of *treason* against the same.

And of this writ make due service, and return according to law.

Witness, Albert G. Brown, jr., clerk *pro tem.* of said court, with the adopted seal of said court, at headquarters of the army for
[L. S.] Utah Territory, on Black's fork of Green river, in said county, on the fourth day of November, in the year eighteen hundred and fifty-seven.

ALBERT G. BROWN, Jr.,
Clerk pro tem.

HEADQUARTERS &c., CAMP ON HAM'S FORK,
November 1, 1857.

SIR: I had the honor to receive your letter to-day, and have to express my appreciation of your kindnes, and generosity in affording Mrs. Mago and Mr. Jones safe conduct to this camp.

The persons now in my custody are amenable, for civil offences, to the civil authority of the Territory; and I regret that it is not in my power to release them, without the consent of the civil authorities. As soon as Governor Cumming arrives, his directions concerning them will be obtained, and they will be subject to his order and control.

I can assure you again that every attention will be paid to their welfare and comfort.

Very respectfully, &c.,

E. B. ALEXANDER,
Colonel commanding.

GOV. B. YOUNG.

HEADQUARTERS EASTERN EXPEDITION,
Camp near Cache Cave, Oct. 4, 1657.

You will proceed, with all possible despatch, without injuring your animals, to the Oregon road, near the bend of Bear river, north by east of this place. Take close and correct observations of the country on your route. When you approach the road, send scouts ahead, to ascertain if the invading troops have passed that way. Should they have passed, take a concealed route, and get ahead of them. Express to Colonel Benton, who is now on that road and in the vicinity of the troops, and effect a junction with him, so as to operate in concert. On ascertaining the locality or route of the troops, proceed at once to annoy them in every possible way. Use every exertion to stampede their animals and set fire to their trains. Burn the whole country before them, and on their flanks. Keep them from sleeping by night surprises; blockade the road by felling trees or destroying river fords; where you can. Watch for opportunities to set fire to the grass on their windward, so as if possible to envelope their trains. Leave no grass before them that can be burned. Keep your men concealed as much as possible, and guard against surprise. Keep scouts out at all times, and communications open with Colonel Benton, Major McAllester and O. P. Rockwell, who are operating in the same way. Keep

me advised daily of your movements, and every step the troops take, and in which direction.

God bless you, and give you success.

Your brother in Christ.

DANIEL U. WELLS.

P. S.—If the troops have not passed, or have turned in this direction, follow in their rear, and continue to annoy them, burning any trains they may leave. Take no life, but destroy their trains, and stampede or drive away their animals, at every opportunity.

D. U. WELLS.

Major JOSEPH TAYLOR.

HEADQUARTERS ARMY OF UTAH,
Black's Fork, 16 miles from Fort Bridger,
En route to Salt Lake City, November 7, 1857.

A true copy of instructions in the possession of Major Joseph Taylor, when captured.

F. J. PORTER,
Assistant Adjutant General.

GREAT SALT LAKE CITY, *October* 21, 1857.

MY DEAR SIR: I embrace this the earliest opportunity of answering your communication to me, embracing a letter from Mr. Fuller, New York, to you, an introductory letter to me, and also one from W. J. Appleby to Governor Young; the latter, immediately on its receipt, I forwarded to his excellency and here let me state, sir, that I sincerely regret that circumstances now existing have hitherto prevented a personal interview.

I can readily believe your statement, that it is very far from your feelings, and most of the command that are with you, to interfere with our social habits or religious views. One must naturally suppose that among gentlemen educated for the army alone, who have been occupied by the study of the art of war, whose pulses have throbbed with pleasure at the contemplation of the deeds of our venerated fathers, whose minds have been elated by the recital of the heroic deeds of other nations, and who have listened almost exclusively to the declamations of patriots and heroes, that there is not much time and less inclination to listen to the low party bickerings of political demagogues, the interested twaddle of sectional declaimers, or the throes and contortions of contracted religious bigots. You are supposed to stand on elevated ground, representing the power and securing the interests of the whole of a great and mighty nation. That many of you are thus honorable, I am proud, as an American citizen, to acknowledge; but you must excuse me, my dear sir, if I cannot concede with you that all your officials are so high toned, disinterested, humane, and gentlemanly, as a knowledge of some of their antecedents expressly demonstrate. However, it is not with the personal charac-

ter, the amiable qualities, high toned feelings, or gentlemanly deportment of the officers in your expedition that we at present have to do. The question that concerns us is one that is independent of your personal, generous, friendly and humane feelings, or any individual predilection of yours; it is one that involves the dearest rights of American citizens, strikes at the root of our social and political existence, if it does not threaten our entire annihilation from the earth. Excuse me, sir, when I say that you are merely the servants of a lamentably corrupt administration; that your primary law is obedience to orders, and that you came here with armed foreigners with cannon, rifles, bayonets and broadswords, expressly, and for the openly avowed purpose of "cutting out the loathsome ulcer from the body politic." I am aware what our friend Fuller says in relation to this matter, and I entertain no doubt of his generous and humane feelings, nor do I of yours, sir; but I do know that he is mistaken in relation to the rabid tone and false, furious attacks of a venal and corrupt press. I do know that they are merely the mouthpiece, the tools, the barking dogs of a corrupt administration. I do know that Mr. Buchanan was well apprised of the nature of the testimony adduced against us by ex-Judge Drummond and others; for he was informed of it to my knowledge by a member of his own cabinet, and I further know, from personal intercourse with members of the Senate and House of Representatives of the United States, that there have been various plans concerted at headquarters for some time past for the overthrow of this people. Captain, Mr. Fuller informs me that you are a politician; if so, you must know that in the last presidential campaign the republican party had opposition to slavery and polygamy as two of the principal planks in their platform. You may know, sir, that Utah was picked out, and the only Territory excluded from a participation in pre-emption rights to land. You may also be aware that bills were introduced into Congress for the persecution of the Mormons; but other business was too pressing at that time for them to receive attention. You may be aware that measures were also set on foot, and bills prepared to divide up Utah among the territories of Nebraska, Kansas, Oregon and New Mexico, (giving a slice to California,) for the purpose of bringing us into collision with the people of those Territories, not to say anything about thousands of our letters detained at the post office at Independence. I might enumerate injuries by the score, and if these things are not so, why is it that Utah is so "knotty a question?" If people were no more ready to interfere with us and our institutions than we are with them and theirs, these difficulties would vanish into thin air. Why, again I ask, could Drummond and a host of others, mean scribblers, palm their barefaced lies with such impunity, and have their infamous slanders swallowed with such gusto? Was it not that the administration and their sattelites, having planed our destruction, were eager to catch at anything to render specious their contemplated acts of blood? Or, in plain terms, the democrats advocated strongly popular sovereignty. The republicans tell them, that if they join in maintaining inviolable the domestic institutions of the south, they must also swallow polygamy. The democrats thought this would not do, as it would interfere with

the religious scruples of many of their supporters, and they looked about for some means to dispose of the knotty question. Buchanan, with Douglas, Cass, Thompson and others of his advisers, after failing to devise legal measures, hit upon the expedient of an armed force against Utah; and thus thought, by the sacrifice of the Mormons, to untie the knotty question; do a thousand times worse than the republicans ever meant; fairly out-Herod Herod, and by religiously expatriating, destroying, or killing a hundred thousand innocent American citizens, satisfy a pious, humane, patriotic feeling of their constituents; take the wind out of the sails of the republicans, and gain to themselves immortal laurels. Captain, I have heard of a pious Presbyterian doctrine that would inculcate thankfulness to the all-wise Creator for the privilege of being damned. Now, as we are not Presbyterians, nor believe in this kind of self abnegation, you will, I am sure, excuse us for finding fault at being thus summarily dealt with, no matter how agreeable the excision or expatriation might be to our political, patriotic, or very pious friends. We have lived long enough in the world to know that we are a portion of the body politic, have some rights as well as other people, and that if others do not respect us, we, at least, have manhood enough to respect ourselves.

Permit me here to refer to a remark made by our friend Mr. Fuller, to you, viz: "That he had rendered me certain services in the city of New York, and that he had no doubt that when you had seen and known us as he had, that you would report as favorably as he had unflinchingly done." Now those favors to which Mr. Fuller refers were simply telling a few plain matters of fact, that had come under his own observation during a short sojourn at Salt Lake. This, of course, I could duly appreciate, for I always admired a man who dare tell the truth. But, captain, does it not strike you as humiliating to manhood and to the pride of all honorable American citizens, when among the thousands that have passed through and sojourned among us, and knew as well as Mr. Fuller did our true social and moral position, that perhaps one in ten thousand dare state their honest convictions; and further, that Mr. Fuller, with his knowledge of human nature, should look upon you as a *rara avis*, possessing the moral courage and integrity to declare the truth in opposition to the floods of falsehood that have deluged our nation. Surely, we have fallen on unlucky times, when honesty is avowed to be at so great a premium.

In regard to our religion it is perhaps unnecessary to say much; yet, whatever others feelings may be about it, with us it is honestly a matter of conscience. This is a right guaranteed to us by the Constitution of our country; yet it is on this ground, and this alone, that we have suffered a continued series of persecutions, and that this present crusade is set on foot against us. In regard to this people, I have travelled extensively in the United States, and through Europe, yet have never found so moral, chaste, and virtuous a people, nor do I expect to find them. And, if let alone, they are the most patriotic, and appreciate more fully the blessings of religious, civil, and political freedom than any other portion of the United States. They have,

however, discovered the difference between a blind submission to the caprices of political demagogues and obedience to the Constitution, laws, and institutions of the United States; nor can they, in the present instance, be hoodwinked by the cry of "treason." If it be treason to stand up for our constitutional rights; if it be treason to resist the unconstitutional acts of a vitiated and corrupt administration, who, by a mercenary armed force, would seek to rob us of the rights of franchise, cut our throats to subserve their party, and seek to force upon us his corrupt tools, and violently invade the rights of American citizens; if it be treason to maintain inviolate our homes, our firesides, our wives, and our honor, from the corrupting and withering blight of a debauched soldiery; if it be treason to keep inviolate the Constitution and institutions of the United States, when nearly all the States are seeking to trample them under their feet, then, indeed, we are guilty of treason. We have carefully considered all these matters and are prepared to meet the "terrible vengeance" we have been very politely informed will be the result of our acts. It is in vain to hide it from you that this people have suffered so much from every kind of official that they will endure it no longer. It is not with them an idle phantom, but a stern reality. It is not, as some suppose, the voice of Brigham only, but the universal, deep settled feeling of the whole community. Their cry is, "Give us our Constitutional rights; give us liberty or death." A strange cry in our boasted model republic, but a truth deeply and indelibly graven on the hearts of 100,000 American citizens by a series of twenty-seven years unmitigated and unprovoked, yet unrequited wrongs. Having told you of this, you will not be surprised that when fifty have been called to assist in repelling our aggressors, a hundred have volunteered, and, when a hundred have been called, the number has been more than doubled; the only feeling is "don't let us be overlooked or forgotten." And here let me inform you that I have seen thousands of hands raised simultaneously, voting to burn our property rather than let it fall into the hands of our enemies. They have been so frequently robbed and despoiled without redress, that they have solemnly decreed that, if they cannot enjoy their own property, nobody else shall. You will see by this that it would be literally madness for your small force to attempt to come into the settlements. It would only be courting destruction. But, say you, have you counted the cost? have you considered the wealth and power of the United States and the fearful odds against you? Yes; and here let me inform you that, if necessitated, we would as soon meet 100,000 as 1,000, and, if driven to the necessity, will burn every house, tree, shrub, rail, every patch of grass and stack of straw and hay, and flee to the mountains. You will then obtain a barren, desolate wilderness, but will not have conquered the people, and the same principle in regard to other property will be carried out. If this people have to burn their property to save it from the hands of legalized mobs, they will see to it that their enemies shall be without fuel; they will haunt them by day and by night. Such is, in part, our plan. The $300,000 worth of our property destroyed already in Green river county is only a faint sample of what will be done throughout the Territory. We have been twice

driven, by tamely submitting to the authority of corrupt officials, and left our houses and homes for others to inhabit, but are now determined that, if we are again robbed of our possessions, our enemies shall also feel how pleasant it is to be houseless at least for once, and be permitted, as they have sought to do to us, "to dig their own dark graves, creep into them, and die."

You see we are not backward in showing our hands. Is it not strange to what lengths the human family may be goaded by a continued series of oppressions? The administration may yet find leisure to pause over the consequences of their acts, and it may yet become a question for them to solve whether they have blood and treasure enough to crush out the sacred principles of liberty from the bosoms of 100,000 freemen, and make them bow in craven servility to the mendacious acts of a perjured, degraded tyrant. You may have learned already that it is anything but pleasant for even a small army to contend with the chilling blasts of this inhospitable climate. How a large army would fare without resources you can picture to yourself. We have weighed those matters; it is for the administration to post their own accounts. It may not be amiss, however, here to state that, if they continue to prosecute this inhuman fratricidal war, and our Nero would light the fires and, sitting in his chair of state, laugh at burning Rome, there is a day of reckoning even for Neroes. There are generally two sides to a question. As I before said, we wish for peace, but that we are determined on having it if we have to fight for it. We will not have officers forced upon us who are so degraded as to submit to be sustained by the bayonet's point. We cannot be dragooned into servile obedience to any man.

These things settled, captain, and all the like preliminaries of etiquette are easily arranged; and permit me here to state, that no man would be more courteous and civil than Governor Young, and nowhere could you find in your capacity of an officer of the United States a more generous and hearty welcome than at the hands of his excellency. But when, instead of battling with the enemies of our country, you come (though probably reluctantly) to make war upon my family and friends, our civilities are naturally cooled, and we instinctively grasp the sword; Minie rifles, Colt's revolvers, sabres, and cannon may display very good workmanship and great artistic skill, but we very much object to having their temper and capabilities tried upon us. We may admire the capabilities, gentlemanly deportment, heroism and patriotism of United States officers; but in an official capacity of enemies, we would rather see their backs than their faces. The guillotine may be a very pretty instrument, and show great artistic skill, but I don't like to try my neck in it.

Now, captain, notwithstanding all this, I shall be very happy to see you if circumstances should so transpire as to make it convenient for you to come, and to extend to you the courtesies of our city, for I am sure you are not our personal enemy. I shall be happy to render you any information in my power in regard to your contemplated explorations.

I am heartily sorry that things are so unpleasant at the present time, and I cannot but realize the awkwardness of your position, and

that of your compatriots, and let me here say that anything that lays in my power compatible with the conduct of a gentleman you can command. If you have leisure, I should be most happy to hear from you. You will, I am sure, excuse me, if I disclaim the prefix of reverend to my name; address John Taylor, Great Salt Lake City.

I need not here assure you that personally there can be no feelings of enmity between us and your officers. We regard you as the agents of the administration in the discharge of a probably unpleasant duty, and very likely ignorant of the ultimate designs of the administration. As I left the east this summer, you will excuse me when I say I am probably better posted in some of these matters than you are, having been one of a delegation from the citizens of this Territory to apply for admission into the Union. I can only regret that it is not our real enemies that are here instead of you. We do not wish to harm you, or any of the command to which you belong, and I can assure you that in any other capacity than the one you now occupy, you would be received as civilly and treated as courteously as in any other portion of our Union.

On my departure from the States the fluctuating tide of popular opinion against us seemed to be on the wave. By this time, there may be quite a reaction in the public mind. If so it may probably affect materially the position of the administration and tend to more constitutional, pacific, and humane measures. In such an event our relative positions would be materially changed, and instead of meeting as enemies, we could meet, as all Americans should, friends to each other, and united against our legitimate enemies only. Such an issue is devoutly to be desired, and I can assure you that no one would more appreciate so happy a result to our present awkward and unpleasant position than yours, truly,

JOHN TAYLOR.

Captain MARCY.

HEADQUARTERS ARMY OF UTAH, BLACK'S FORK,
16 *miles from Fort Bridger, en route to Salt Lake City,*
November 7, 1857.

Official:

F. J. PORTER,
Assistant Adjutant General.

CAMP ON BLACK'S FORK, GREEN RIVER, UTAH,
November 4, 1857.

MAJOR: For the information of the colonel commanding, I have the honor to state that, according to my calculations, made from the bills of lading of the different trains, there are rations for 2,000 men for seven months in the supply and regimental trains present at this camp.

To make the calculations accurate, it would be necessary to overhaul all of the provision trains, in order to discover what has been lost or stolen therefrom.

I am, major, very respectfully, your obedient servant,

H. F. CLARKE,
Captain and C's U. S. Army.

Major F. J. PORTER,
Assistant Adjutant General, U. S. Army,
Head Quarters Army for Utah.

List of subsistence stores in supply teams (Russell & Waddell's) Nos. 5, 9, *and* 10, *burnt by the Mormons at Green river, Utah, in the night of October* 4, 1857.

2,720	pounds ham.			
92,700	pounds bacon	No. of rations,		115,875
167,900	pounds flour	"	"	149,244
270	bushels beans	"	"	108,000
8,580	pounds Rio coffee	"	"	143,000
330	pounds Java coffee.			
1,400	pounds crushed sugar.			
2,970	gallons vinegar	"	"	297,000
800	pounds sperm candles	"	"	80,000
13,333	pounds soap	"	"	333,325
84	gallons molasses.			
134	bushels dried peaches.			
68,832	rations dessicated vegetables.			
705	pounds tea	"	"	52,875
7,781	pounds hard bread	"	"	7,781
6	lanterns.			

H. F. CLARKE,
Capt. and C's U. S. A.

Made from bills of lading, October 10, 1857.

HEADQUARTERS ARMY OF UTAH,
South Pass, en route to Salt Lake City, October 18, 1857.

MAJOR: Accompanying this communication I send you two letters from Colonel Alexander, the commander at present of the main body of the army of Utah. In his letter of the 8th October Colonel Alexander questions, by the hesitation with which he assumes them, his right to exercise fully all the duties of commander. His authority to exercise them without restriction is clearly granted by the sixty-second article of war. Moreover, General Orders No. 12, headquarters of the army, specially directs who shall command in the absence of General Harney, or, to be inferred, any other named commander, and sufficiently explains the objects of the expedition; and no question

for the decision of the commander, beyond his ordinary military duties, could arise before the arrival of Governor Cumming.

Misapprehending the authority with which he is invested by law, and the orders of the general-in-chief, that portion of his letter respecting command would be, if he was correct in his view of his own position, a merited reflection upon his superiors, and it is therefore that I have adverted to it. Pursuing his design indicated in his letter of October 8, he, you will learn from his letter of October 14, (herewith,) has advanced up Ham's fork, of Green river, thirty-five miles above the crossing, (see map herewith,) and then directs the movements to be made by his own immediate command and the troops in his rear, to form a junction which, from erroneous suppositions, would be wholly impracticable. First, he evidently believes that Colonel Smith, escorting the remainder of the supply trains, (in all about nine, including three sutler's trains,) is advancing on the Kinney road, or cut-off, with the force named in General Harney's order of August 18, and of course he has not received the countermand of that order. He assumes that the command in rear is capable of more rapid movement than his own ; and, therefore, after waiting one day at the point indicated will resume his march. In this also he would have been disappointed, as the trains in rear, suffering from fatigue and scarcity of sustenance, and without rest, which the trains with him have had, could not, if where he supposed them, overtake him.

These are the facts ; and if known by Colonel Alexander, his dispositions, as determined in his letter of October 8, would have been wholly different. Colonel Smith is here at this camp with fifty men of his regiment. I overtook him the day before yesterday (16th inst.) about twenty miles east of this, and have added my escort, fifteen dismounted dragoons, to his force. Lieutenant Smith, in command of a squadron of dragoons and fifty of the tenth infantry, a force of about two hundred men, may be expected here in four days. He is aware of the necessity of promptness, and I am sure will lose no time.

Mr. William Magraw, superintendent South Pass wagon road, with a patriotism highly creditable to him, places at the disposition of the government as many of his employees as will volunteer. He thinks fifty or sixty will organize, and I have agreed to accept their service and have them mustered in for three or six months, as they may elect ; and he has also tendered fifteen good teams of mules and wagons, which I have also accepted, and directed them to be receipted for when delivered. Four supply trains, containing clothing, (of which the troops now in the advance, I am informed, begin to need,) ordnance, medical and subsistence stores, are still in the rear, and may be expected in two or three days. The storm of last night may have destroyed some of their oxen, and on that account there may be more delay than I estimate. Eleven mules of Colonel Smith's train perished from cold last night. The thermometer this morning at sunrise was at 16°. The sky is now clear, and the thermometer at one o'clock stands at 34°, and the small quantity of snow that fell during the night is melting, so that the animals can graze freely. I am thus minute, that the reason for the order transmitted to Colonel Alexander yesterday morning (herewith) may be fully comprehended.

His intended movements, if met with opposition, would have so retarded his march as to have made it impracticable ; and would have so probably entangled him in the midst of the deep snow of the valley of Bear river, which, I understand, never fails to fall there, and usually early in the season, as to place him beyond the means of extrication. Our most potent enemy at present is the snow, and constitutes at present our chief embarrassment. The movement of Colonel Alexander, if effected (for the reasons I have mentioned, and of which he could not be apprised,) would have separated him from supplies indispensable to the comfort and safety of the army, and deprived him of the assistance of the force which will be concentrated here in a few days, which, however small, being partly of cavalry, is of vital importance. In ordering Colonel Alexander to the mouth of Fontenelle creek, a position about thirty miles from his camp on Ham's fork, I did so with the design of making a junction practicable. It is about seventy miles hence, and he can reach it by a good road, and without any danger of surprise. There is there abundance of grass, and it is a point from which I can reach the region I intend to occupy this winter without risking the loss of our animals. As soon as the snow falls sufficiently on Green river to prevent the burning of the grass, I will march to Henry's fork, and occupy that valley during the winter. It is a commanding position, and accessible two months earlier for reinforcements and supplies by Cheyenne Pass than by any other, and will enable me to march by Fort Bridger, and on the most direct route to Salt Lake City, as soon as practicable in the spring.

At this position, also, Colonel Cooke can join, which I still entertain the hope he will be able to do.

I greatly regret that the impossibility of concentrating the troops destined for this service, and their supplies, will prevent a forward movement before spring. It is now manifest that before the force can be united that the autumn will be too far advanced to move with a probability of success, though not opposed by the Mormons.

You are already apprised by the proclamation of Brigham Young, and his letter to Colonel Alexander, which I transmitted on the 15th inst., of the political attitude assumed by the Mormons, and the resistance they meditate to the just authority the government desires to exercise in that Territory, and the general-in-chief has no doubt already considered the necessity of a conquest of those traitorous people, and has estimated the force necessary to accomplish the object. With a full view of the whole subject before him, his great experience would not be benefitted by any suggestions of mine. I will, however, mention, that unless a large force is sent here, from the nature of the country, that a protracted war on their part is inevitable.

The great distance from our source of supply makes it impracticable to operate with a small force. It, in fact, requires the employment of such force to guard numerous trains of supplies, leaving but a small portion, if any, for offensive operations. A movement of troops from California, Oregon, and by this route would terminate a war with the Mormons speedily, and more economically than if attempted by insufficient means. In five or six days I think we will have all the force available here for a forward movement. By that time the

trains will be all up; they should be here sooner. In twelve days from this time I expect to join Colonel Alexander at or near Fontenelle creek.

The general may be assured that no retrograde movement will be made by this force.

With great respect, your obedient servant,

A. S. JOHNSTON,
Col. 2d cavalry, Commanding Army of Utah.

HEADQUARTERS ARMY OF UTAH, BLACK'S FORK,
16 *miles from Fort Bridger, en route to Salt Lake City,*
November 7, 1857.

Official.

F. J. PORTER,
Assistant Adjutant General.

CAMP ON HAM'S FORK, U. T.,
October 18, 1857.

SIR: The colonel commanding directs me to inform you that there is no clothing with this command. The soldiers are now nearly destitute, as they left Fort Leavenworth with but a limited supply, and have gotten but little since. It is presumed that there is a large supply in the trains with you. Please bring up with you a few wagon loads of socks, flannel drawers and shirts, shoes and blankets. These articles are indispensable to the comforts of the soldiers.

We have but few medicines with us of any description. If you have a medical officer with you, direct him to make such a selection as he may deem proper for the wants of this command, and bring them with you if possible.

Should the commanding officer of the expedition come on in advance of you, please inform him of this state of affairs.

Very respectfully, your obedient servant,

JOHN H. DICKERSON,
Captain and Assistant Quartermaster.

Colonel C. F. SMITH,
Commanding Battalion 10th Infantry.

HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 18, 1857.

COLONEL: In view of the lateness of the season, and the severity with which the winter has already set in, as well as the deficiency of supplies of clothing, forage, and provisions, it becomes necessary to place the troops in winter quarters.

The best available place for this is on Henry's fork, and the column will march to-day down this stream, (Ham's fork,) towards Fort Bridger, and thence to Henry's fork. It will require about nine days to make the journey, and as soon as I can get matters in train

for wintering, I will send you two companies, (about 130 men,) and such additional transportation as I can furnish to bring your trains on to us. Use every effort to bring on the trains, as not a wagon can be spared; and from the nature of that country, (Henry's fork,) we may have to remain there until May next. Mr. Fickling will tell you how we are off, and can take you by the best route to Henry's fork.

Send on first the wagons containing clothing and medicines, which are much needed. We have provisions for three or four months, but we still require all that can be got up. If the governor, or General Harney, or Colonel Johnston are anywhere near you, please communicate with them, and tell them the disposition to be made of the troops. Nothing causes me such poignant regret as to be obliged to give up my design of penetrating to Salt Lake City. But the odds against me are too powerful, and the lives of all require me to move to Henry's fork to winter.

Very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel Commanding.

P. S.—When I leave Ham's fork to go to Fort Bridger, I will try and send a detachment to you to assist in guarding the trains. This will be about the 23d or 24th. Please keep this, as there is not time to take a copy.

E. B. A.

HEADQUARTERS ARMY.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 24, 1857.

SIR: The colonel commanding directs me to acknowledge the receipt of your communications of the 18th and 22d instants, and to inform you that Lieutenant Smith, 2d dragoons, will reach this point on Monday, with two companies of his regiment, and a detachment of the tenth infantry. The next morning this command and all the supply trains will move on the direct road to the crossing at Ham's fork, whence the colonel commanding wishes you to march and camp at some suitable point below the crossing on Black's fork.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

HEADQUARTERS ADVANCE OF THE ARMY FOR UTAH,
Camp on Ham's Fork, October 22, 1857.

SIR: I have the honor to report that my command is now encamped on Ham's fork, about 16 miles above the crossing of the Fort Bridger road, and near the point where the route to Fontenelle creek leaves this stream and takes across the prairie. When I received your letter

by Eli Dufour, I was already a day's march below the crossing of Ham's fork by the Sublette road, having been obliged to return to seek winter quarters.

The road from here to Fontenelle creek will be more, I am afraid, than my teams can stand, and if it does not interfere with the plans of the colonel commanding, I would respectfully suggest that they be spared the travel across, (30 miles.) As long as I am on a stream I can get along, because, no matter how short the march, I can always get grass and water; but to attempt 30 miles with only one watering place, will, in my opinion, prove fatal to the artillery horses and a great many of the mules and oxen. I request, therefore, to be informed, as soon as possible, whether I am to await the colonel on this creek, going slowly down it, or to make the march to Fontenelle creek at all risks.

I am, sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

Major F. J. PORTER,
Assistant Adjutant General.

UNITED STATES OF AMERICA,
Territory of Utah, Green River County, } *ss.*

The United States of America to B. F. Ficklin, marshal *pro tem.* of said Territory, *Greeting:*

You are hereby commanded to take William Stowell and him safely keep, so that you have his body before the district court of the United States for the county aforesaid, at the next term thereof to be holden, then and there to answer to the United States aforesaid on the charge of *treason* against the same, and on such other charge or charges as may be found against him by the grand jury of the county aforesaid, at the next session thereof hereafter to be holden.

And of this writ make due service and return according to law.

Witness, Albert G. Brown, jr., clerk *pro tem.* of said court, with the adopted seal of said court, at headquarters of the army of
[L. S.] Utah, on Black's fork of Green river, in said county, on the seventh day of November, in the year eighteen hundred and fifty-seven.

ALBERT G. BROWN, JR.,
Clerk pro tem.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 18, 1857.

SIR: I am directed to inform you that the army of Utah will winter on Henry's fork of Green river, whence a good practicable road exists from Black's fork, and where the colonel commanding hopes to see you and your command.

The opposition to the advance of this army and the injuries committed to our trains, cause the absence of cavalry to be very much lamented, while the mounted forces which hang upon our own skirts promise occupation and distinction to your command.

Upon hearing of your progress, communication will be kept up with you, and the best route for you to pursue indicated, if there is any choice. The colonel commanding will be much pleased to hear of your advance, and promises you a warm welcome on your arrival.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. P. ST. GEORGE COOKE,
Commanding 2d Dragoons, en route to Salt Lake City.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 19, 1857.

SIR: The portion of this army and the supply train not with the advance under Colonel Alexander, are in the South Pass awaiting your arrival to join the main body. The bearer of this, John C. Ferguson, will inform you of our position. The colonel commanding desires you to join him as early as practicable, and to hasten on all trains loaded with supplies as you overtake them. In the mean time if you have the means of communicating with us, it is very desirable you should do so, that the colonel commanding may know when to expect you, though it is hoped you will reach this point to-morrow.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

First Lieutenant W. D. SMITH,
Commanding 2d Dragoons, &c., en route to Salt Lake City.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 22, 1857.

SIR: The colonel commanding directs that you have thoroughly repaired, and each supplied with a four-mule team, harness &c., two of the light ambulances turned over to the acting assistant quartermaster at Fort Laramie by Lieutenant Lucius L. Rich, and have them sent as soon as practicable to Fort Kearny.

The remainder of those ambulances he directs to be kept in readiness and to be employed, when occasion requires, for transporting the mail, or its escort, or both, to these headquarters and to Fort Kearny, and for other important occasions requiring small escorts and despatch.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

COMMANDING OFFICER,
Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 19, 1857.

SIR: The colonel commanding directs me to inform you, in reply to your letter of to-day, that no goods or supplies of any kind will be permitted to pass this army for Salt Lake City, or other point occupied by the Mormons, so long as they maintain a hostile attitude to the government of the United States.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

J. C. IRWIN, Esq.,
Contractor and sub-contractor with Messrs. Livingston & Kincade, and J. & R. Porter, South Pass, N. T.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 21, 1857.

GENTLEMEN: The colonel commanding directs me to inform you that no goods or supplies of any kind will be permitted to pass this army for Salt Lake City, or other point occupied by the Mormons, and that he forbids all intercourse whatever with them, so long as they maintain a hostile feeling to the government of the United States.

I am gentlemen, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Messrs. WILLIAM GERRICH & Co., *or their Agent,*
Merchants at Salt Lake City, South Pass, N. T.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 19, 1857.

SIR: The colonel commanding directs that a ration of bread and bacon be issued to fourteen men discharged from the wagon road party, under the charge of Mr. Wm. M. F. Magraw.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

First Lieutenant J. MCNAB, *A. A. C. S.,*
10th Infantry, South Pass, N. T.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 20, 1857.

SIR: The colonel commanding directs that you supply ten days' rations of hard bread, bacon, coffee, and sugar, to fourteen men discharged from Mr. William F. M. Magraw's South Pass wagon road party.

These men having been discharged without any provision for the future, and not being willing to employ them, under the circumstances, in the United States service, the colonel commanding supplies them with provisions to enable them to reach Fort Laramie.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

First Lieutenant JOHN MCNAB, *A. A. C. S.,*
10th Infantry, South Pass, N. T.

HEADQUARTERS ARMY OF UTAH, SOUTH PASS,
En route to Salt Lake City, October 20, 1857.

SIR: The colonel commanding directs that you furnish Benjamin F. Lyda, a discharged man of the South Pass wagon road party, under the charge of Mr. William M. F. Magraw, rations of hard bread, bacon, sugar, and coffee, for ten days.

I am, sir, very respectfully,

F. J. PORTER,
Assistant Adjutant General.

First Lieutenant JOHN MCNAB, *A. A. C. S.,*
10th Infantry, South Pass, N. T.

HEADQUARTERS ARMY OF UTAH, BLACK'S FORK,
3 miles below mouth of Ham's Fork,
En route to Salt Lake City, November 4, 1857.

SIR: The colonel commanding directs that you move, with the command designated in special orders No. 41, (accompanying,) as soon in the spring as practicable, availing yourself of the early grass which will be springing up as you advance.

The supply trains for this army wintering at your post will be prepared and put in motion at the same time and escorted to these headquarters. That you may not be tramelled by too large a train, and draw too heavily on the resources of Fort Laramie, now limited, you will avail yourself of this means of transportation to convey the regulation allowance of baggage for your command.

As soon as your arrival in this vicinity is reported, communication will be opened for your advance.

The colonel commanding deems it unnecessary to warn an officer of your experience and reputation against any outside enemy, but he wishes to caution you against the employment—the trusting, in any manner whatever—of any member of the Mormon sect or pretended apostate from it. No objection exists to their employment on account of their religious belief, but their political association.

These special instructions are given that your movement may receive as little publicity as possible.

I am, sir, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Brevet Lieutenant Colonel WILLIAM HOFFMAN,
6th Infantry, Commanding Fort Laramie, N. T.

HEADQUARTERS OF THE ARMY,
New York, November 13, 1857.

COLONEL: September the 12th, Colonel Johnston wrote from Fort Leavenworth, asking that provision be made for protecting the mail service to and from Utah city. This letter was reforwarded to you endorsed as follows:

"Respectfully forwarded to the Adjutant General, who is requested to have it referred to the Postmaster General to ascertain what mail service is to be performed between Fort Leavenworth and Salt Lake City, and under what circumstances and conditions."

No answer has yet been received. With the last despatches from Colonel Johnston, came letters from himself and staff to their families, sent under cover to me as the "only safe means" of transmitting them. Word was also sent that despatches would reach them if sent by express from Fort Leavenworth to Colonel Hoffman, commanding at Fort Laramie. I am instructed by the general-in-chief to call attention to Colonel Johnston's letter and to the endorsement thereon, and to ask that the subject be pressed upon the Postmaster General; for if the mails are not to be sent, the general will have to give instructions that a military express be kept up at proper intervals between the frontiers and the army for Utah and he wishes to take measures one way or the other at once.

I have the honor to be, very respectfully, your obedient servant,

IRVIN McDOWELL,
Assistant Adjutant General.

Colonel SAMUEL COOPER,
Adjutant General, Washington, D. C.

HEADQUARTERS, ARMY OF UTAH,
Junction of Smith's Fork and Black's Fork,
En route to Salt Lake City, November 13, 1857.

SIR: The regulations in the case of private Edward Farrell of your company, reported in your letter of the 18th ultimo, as transferred to company "A" 6th infantry, not having been complied with, the colonel commanding, disapproves of the transfer and directs that he be borne upon the rolls as a member of your company.

You are directed to furnish the commander of your regiment with a copy of this communication.

I am, sir, very respectfully your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Captain RENNSALER W. FOOTE,
Commanding company "C," 6th Infantry, Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Camp Junction of Smith's and Ham's Fork,
En route to Salt Lake City, November 13, 1857.

SIR: The colonel commanding directs that you cause to be pushed forward to these headquarters at Fort Bridger, as soon as practicable, a train of 30 pack mules loaded with salt. Your knowledge of the country, and of the persons you will employ, will guide you in the route to be taken.

In making your preparations for moving in the spring, the colonel wishes you to take into consideration, the route up the *Laramie river*, with the view of reaching this force at the earliest moment with the supply trains, time being the principal element to consider in your movement. As soon as Cololonel *Cooke* arrives, *Jeanise*, or some other reliable person, will be sent over that route to report to you the probabilities of success, the difficulties to be overcome, the advantages of grass, and to be a guide in case you deem it advisable to move in that direction. It is hoped you may be able to arrive here a month earlier than by the *Oregon* and *California* route, *South Pass*, sending some of your troops in advance to make or repair the road. It is inferred from present information, that a practicable road exists, and that probably the principal difficulties to overcome will be the cutting down banks and making bridges. The guide who passes over it will examine the obstacles.

If you have sufficient information to decide, this route is suggested as one for the pack train, as the grass is very scarce on this, and on the other it has not been injured.

The colonel commanding also suggests that the animals be not loaded heavier than one hundred pounds. There is no salt with this army.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Bv't Lieut. Col. WILLIAM HOFFMAN,
Commanding Fort Laramie, N. T.

P. S.—Whichever route you take will require boats or rafts to enable you to cross the principal streams, the colonel commanding therefore suggests, that you bring with you wagons of corrogated iron, if you have them or can procure them in time; if not, sufficient timber to make a boat of sufficient dimensions to cross your stores.

F. J. PORTER,
Assistant Adjutant General.

HEADQUARTERS ARMY OF UTAH, CAMP SCOTT,
Near Fort Bridger, en route to Salt Lake City,
November 19, 1857.

SIR: The colonel commanding directs you to take forty good six mule teams from the train of this army, and proceed to the junction of *Black's* and *Ham's fork*, collecting all abandoned wagons.

Arriving there, you will tender, in his name, (that of government,) to Messrs. *Gerrish & Radford*, merchants and sutlers to this army, your train to assist in transporting to this camp their most valuable goods and merchandize, especially those of a perishable nature, and most serviceable to the Mormons, as clothing, groceries, &c. .

I am instructed to caution you not to permit your wagons to be heavily loaded, nor to make long marches.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

2d Lieutenant L. L. RICH,
5th Infantry, A. A. Q. M.

HEADQUARTERS ARMY OF UTAH, CAMP SCOTT,
Near Fort Bridger, U. T., en route to Salt Lake City,
November 19, 1857.

SIR: The colonel commanding directs that, with forty men of your command, supplied with ten days' rations, you proceed to the camp on or near Ham's fork, about thirty miles distant, of Messrs. *Gerrish & Radford*, merchants and sutlers to this army, and escort to this camp so much of their trains as can be moved. Should you meet a portion of the moveable train, you will unite the whole of it, and keep it united, and not permit your command to be divided more than is necessary to guard the column

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

2d Lieut. HENRY B. LIVINGSTON,
Com'g company E, 2d Dragoons, Camp Scott, U. T.

HEADQUARTERS ARMY OF UTAH, CAMP SCOTT,
Near Fort Bridger, U. T., en route to Salt Lake City,
November 19, 1857.

SIR: The colonel commanding directs that, as medical director, you have requisitions made upon the assistant quartermaster for the camp and garrison equipage, &c., to establish hospitals for the different regiments and batteries, and that you make the necessary arrangements to establish and complete a general hospital, such as you deem necessary for the command.

Assistant Surgeon Ridgely has been directed to forward his requisitions to you.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Surgeon MADISON MILLS,
Medical Director Army of Utah.

HEADQUARTERS ARMY OF UTAH, CAMP SCOTT,
Near Fort Bridger, U. T., en route to Salt Lake City,
November 19, 1857.

SIR: The colonel commanding directs that you proceed with your company, as escort to the train of Lieut. *Lucius L. Rich, A. A. Q. M.*, charged with collecting all abandoned wagons between this point and *Ham's fork*, and bringing to this camp a portion of the goods of Messrs. *Gilbert & Radford.*

A copy of *Lieut. Rich's* instructions are enclosed. You will supply your men with rations for ten days.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Lieut. C. H. TYLER,
Com'g Company H, 2d Dragoons, Camp Scott, U. T.

To the People of Utah Territory.

GREEN RIVER COUNTY, NEAR FORT BRIDGER,
Utah Territory, 21st November, 1857.

On the 11th of July, 1857, the President appointed me to preside over the executive department of this Territory. I arrived at this point on the 19th of this month, and shall probably be detained some time, in consequence of the loss of animals during the recent snow storm. I will proceed at this point to make the preliminary arrangements for the temporary organization of the territorial government.

Many treasonable acts of violence having been committed by lawless individuals, supposed to have been countenanced by the late executive, such persons are in a state of rebellion. Proceedings will be instituted against them in a court organized by Chief Justice Eckels, held in this county, which will supersede the necessity of appointing a military commission for the trial of such offenders. It is my duty to enforce unconditional obedience to the Constitution, to the organic laws of this Territory, and to all the other laws of Congress applicable to you. To enable me to effect this object, I will, in the event of resistance, rely, first upon a *posse comitatus* of the well disposed portion of the inhabitants of this Territory, and will only resort to a military *posse* in case of necessity. I trust that this necessity will not occur.

I come among you with no prejudices or enmities, and, by the exercise of a just and firm administration, I hope to command your con-

fidence. Freedom of conscience, and the use of your own peculiar mode of serving God, are sacred rights guarantied by the Constitution, with which it is not the province of the government, or the disposition of its representatives in this Territory, to interfere.

In virtue of my authority as commander-in-chief of the militia of this Territory, I hereby command all armed bodies of individuals, by whomsoever organized, to disband and return to their respective homes. The penalty of disobedience to this command, will subject the offenders to the punishment due to traitors.

A. CUMMING,
Governor of Utah Territory.

GREEN RIVER COUNTY, NEAR FORT BRIDGER,
Utah Territory, 21st November, 1857.

On the 11th of July, 1857, I was appointed by the President to be governor of this Territory. Since my arrival within the limits of the Territory I regret to have found that many acts of violence have been committed on the highway, in the destruction and robbery of property belonging to the United States. These acts, which indicate that the Territory is in a state of rebellion, are ascribed, how truly I do not know, to yourself. A proclamation purporting to have issued from you, and papers signed by your authority, found upon the person of Joseph Taylor, have been submitted to my inspection. The matter contained in these papers authorizes and commands violent and treasonable acts; acts tending to the disruption of the peace of the Territory, and which subject their actors to the penalties accorded to traitors. If these papers referred to be not authentic, I trust you will promptly disavow them. I herewith enclose a copy of my proclamation to the people of Utah. You will oblige me by acknowledging the receipt of this by the returning messengers.

I am, sir, very respectfully, your obedient servant,

A. CUMMING,
Governor of Utah Territory.

BRIGHAM YOUNG,
Ex-Governor of Utah Territory.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, Utah Territory, November 30, 1857.

SIR: I have the honor to acknowledge the receipt of the following communications since October 21, 1857, viz:

Special orders, Nos. 131 and 132.

Letters dated September 7, 8, 17, and 18, 1857.

In my letter of October 21st ultimo, an error was committed in

acknowledging the receipt of an ordnance manuel, and an ordnance regulation. They were not received, and I have to request that copies of them may be forwarded to me.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel Second Cavalry, Commanding.

ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.

HEADQUARTERS ARMY OF UTAH, CAMP SCOTT,
Near Fort Bridger, Black's Fork, Green river, November 30, 1857.

MAJOR: Since my last report the troops and all the supply trains have arrived at this place and will remain here, or in this district, during the winter. In effecting the march from near the junction of Ham's and Black's forks of Green river, a distance of only thirty-five miles, the loss of battery horses, draught mules, and oxen of the contractor has been very great, in consequence of snow storms which were encountered on the route and intense cold. Our marches each were necessarily short on account of the extreme coldness and inclemency of the weather, and because of the great number of miles on the road occupied by the supply trains and others, and the failing condition of the draught animals starving from cold and hunger, were resumed from each camp as soon as the troops in the rear and trains could be brought up, allowing a day or more at each camp for rest and the grazing of the animals. Fifteen days were consumed in this tedious operation. Shelter for our thousands of animals seemed indispensable for the preservation of life, yet a more rapid advance to attain it would, we believe, be attended with immense loss. The snow storms raged with short intermissions after it commenced, for several days during which time it was exceedingly cold. The thermometer ranged from ten degrees above to sixteen degrees below zero.

If shelter could have been found, a halt till the storm subsided would have been ordered; but there was none. The country between this and the South Pass, with the exception of the narrow vallies of water courses, is a great desert, affording no shelter by its conformation or by woods, or even bushes from the furious blasts of these high regions; and no fuel, except the wild sage or willow bushes. There was no alternative but to press forward perseveringly, though slowly making our route by the frozen horses, mules, and oxen. A sufficient number of oxen, though poor, have been saved to supply the meat part of ration six days in the week, and we have on hand bacon for one day in the week for seven months, and also flour and small rations.—(See the report of the chief commissary of subsistence herewith.)

Colonel Cooke, in command of six companies 2d dragoons arrived on the 19th instant. You will learn from his report (herewith) that the storm dealt as roughly with his command as it did with the army in advance. He lost nearly half of his horses, besides a number of mules.

His march, from his report, appears to have been conducted with care and skill. If a further advance of the army were otherwise practicable and proper at this season of the year, the necessity of appropriating the remainder of the work oxen for food for the troops would now prevent.

The diminished number and reduced condition of the cavalry and battery horses and draught mules, makes a remount for the former and an additional number of mules for the quartermaster's department indispensable. A further advance cannot be made without them. I have, therefore, taken measures (see orders to Captain Marcy and estimates of the chief quartermasters' herewith) to supply all deficiencies. Captain Marcy has been despatched, with a sufficient party suitably organized and equipped, to New Mexico, as the nearest and most accessible region from which they can be obtained early in the spring, with instructions to purchase the number required, and to return as soon in the spring as he can, having regard to the good condition of the horses and mules; and he is authorized to contract for a supply of salt, of which we have none, and forward it on his arrival. I respectfully request the sanction of the general-in-chief to my orders to Captain Marcy, and that he will give instructions to General Garland, or commanding officer of the Department of New Mexico, to furnish Captain Marcy a sufficient escort of the mounted rifles to protect him from predatory attacks of the Indians on the route back to this place. I I enclose a copy of my letter to General Garland, making the request. The Mormons, before they retired, burnt the buildings in and about Fort Bridger, and also Fort Supply on Smith's fork, twelve miles hence, and destroyed the grain, and as far as they could, other crops at that place. Fort Bridger, so called, is a high, well built, strong stone wall, enclosing a square of one hundred feet, and has been appropriated for the storage of the supplies for the army. The addition of two lunettes, now being constructed, one on the southwest corner and the other on the northeast corner of a stone enclosure adjoining the main one, but not so high, will make it defensible by a small force, and a safe place of deposit for the public property that may be left when the army advances. The herds of mules, battery horses, and cattle have been sent with herdsmen to Henry's fork to graze during the winter, and six companies of the 2d dragoons, under the command of Colonel Cooke, have been ordered to encamp near them, and guard them and protect the herdsmen. He has with him about two hundred dragoon horses. Two companies of the same regiment are stationed here, and have about fifty horses, all feeble, for want of sufficient sustenance. In the spring the army, with the volunteer force included, about two thousand strong, will resume their march as soon as a supply of horses and mules arrive, and the grass on the mountains shall be found sufficient to sustain them.

Two full companies of volunteers have been mustered into the service for nine (9) months, and I expect in a few days that two more companies will be mustered in. They are young, active, and hardy men, generally good shots, and with such instructions as they will receive, will make most excellent light troops. I have to request that the emolument of these men may be early made known to the Secretary of War, so that provision may be made, by an appropriation by Congress for their payment at the expiration of their term of service.

The troops have borne the hardships and privations of the march with patience and cheerfulness, and continue in fine health; some few of the different regiments are still suffering from frost *bite*.

Governor Cumming and family, Judge Eckel, the secretary, attorney general, and marshal of the Territory, and also Dr. Forney, superintendent of Indian affairs, and Dr. Hunt, agent, are encamped within our lines, and have received every facility and means to make them comfortable, as much so as can be expected under canvas.

I enclose copies of all orders given by me which will fully acquaint you with any matter omitted in this communication.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding.

Maj. I. McDowell, *Assistant Adjutant General,*
Headquarters of the Army.

P. S.—A field return is transmitted herewith.

I beg leave to ask your attention to the absence of a great number of officers as exhibited by the return.

Respectfully,

A. S. JOHNSTON,
Colonel 2d Cavalry, Commanding.

Headquarters 10th Regiment of Infantry,
Camp Winfield, on Ham's Fork, October 2, 1857.

Colonel: I have the honor to acknowledge the receipt of your letter of this day, and in reply, I am directed to inform you that this regiment is now encamped on Ham's fork of Green river, about 12 miles above the crossing of the fork by the road from Green river to Fort Bridger.

Captain Phelps' battery is near us, and it is proposed that both remain here until the commander arrives. Col. Alexander also directs me to say, that he advises your coming to this point and camping near him; the Mormons are understood to be concentrating at Fort Bridger, 30 miles from here, and might prove disastrous to a scattered force. There is a large train of supplies here which requires protection, and the grazing on the valley of this fork is superior to any we have found since leaving the Sweetwater, being abundant for all your animals, in addition to those now here for some days to come. Having no information of the position of Gen. Harney, it is impossible to say how long we will remain here, but is presumed that he will soon be here.

I enclose a copy of a letter received to-day from Gov. Young, which indicates sufficiently the rebellious and hostile disposition of the Mormons, and makes it probable that an armed resistance to further progress of the troops will be attempted.

The distance from Green river to the crossing of Ham's fork, is

22 miles, over a good road, and should you decide to come on, that would be your first days march; if you will send a guide in advance when you march from Ham's fork crossing, Col. Alexander will be happy to send an officer to meet you, and conduct you to a good camping ground in our vicinity. There is no road up the fork except our wagon trail, and several crossings, but it is smooth and level and wagons can be got up without difficulty.

I am, colonel, very respectfully, your obedient servant,

HENRY E. MAYNADIER,
First Lieut., and Adjutant Tenth Infantry.

P. S.—Captain Clarke, A. C. S., desires me to say that there are three supply trains in your rear, and he requests you will give them such protection as you consider necessary.

Very respectfully,

HENRY E. MAYNADIER,
First Lieut., and Adjutant Tenth Infantry.

HEADQUARTERS 10TH REGIMENT OF INFANTRY,
Camp on Black's Fork, November 17, 1857.

SIR: I have the honor to submit the following report of my operations from the time I reached the boundary of the Territory of Utah until the arrival of Colonel Johnston at Black's fork. After a long march on the 26th of September, 1857, I encamped, with eight companies of the 10th infantry, at the Big Timbers on Big Sandy, this being my first camp in Utah. On the 27th, I marched across to Green river, and camped near the trading house of one Yates, reaching that point about half past eleven a. m., with my troops and trains very much exhausted by the previous three days' marches, which had been, of necessity, very long. At 9 o'clock a. m. on the 27th, an express had been sent to Ham's fork to Lieutenant Deshler, who was left by Captain Van Vliet at the rendezvous of the supply trains with a small guard. An answer from Lieutenant Deshler was received at 4½ p. m. on the 27th, stating that he was in no immediate apprehension of being molested, and thought he could abide the arrival of the troops, without being immediately reinforced. I felt much relieved by this statement, but upon further reflection, I determined to forestall any attempt of the Mormons, by a change in the usual hour of march, thinking that they would count upon my taking two days to go from Green river to Ham's fork, or at least that I could not reach there until late in the evening, if I went in one. I accordingly struck camp at 12 o'clock on the night of the 27th, and set out for Ham's fork. At 7 a. m. on the 28th I came in sight of the trains, and by 11 the regiment was camped near them, guards and pickets established, and everything prepared for defence. I have since learned that a party of Mormons had determined to attack Lieut. Deshler, and destroy the trains on that day, and were prevented by the arrival of the troops about seven hours earlier than they anticipated.

A few days after I reached Ham's fork, I received a letter from Brevet Colonel Waite, commanding the 5th infantry, stating that he was at Green river, and asking advice as to his remaining there or coming on. I advised him to come to Ham's fork, as the grazing was very fine, and I knew there was but little at Green river.

Captain Phelps' battery had come up with me on the 29th of September, and on the 5th of October the 5th infantry and Reno's battery arrived. On the morning of the 5th I received information that three supply trains, which had been marching in rear some distance, since leaving Fort Leavenworth, without reference to protection from troops, had been burnt. On the 7th of October I despatched two companies under Captain Marcy, 5th infantry, to Green river, to collect and bring up what was serviceable of the contents of the burnt trains. This service was well and promptly executed. Having, on the 5th of October, assumed command of the troops near me, I determined to march up Ham's fork, where I would be in a position to reach Fort Bridger as near as from the crossing, or to go into the valley of Bear river, and, by way of Soda Spring and the Malade river, to Salt Lake City. This route gave me the alternative of choosing at Soda Spring whether I would continue towards the city or go to Snake river to winter, according to what might be learned relative to the power of the Mormons, the state of my supplies, and the nature of the season. I was under the impression at this time that Brevet Colonel Smith, who was in command of the only force I had any knowledge of, could join me on Bear river by taking Sublette's cut-off. I proceeded up Ham's fork, marching from October 11 to October 19, making about 35 miles, and reaching a point two miles from the Sublette road. On the 19th I ordered a return, having heard from Brevet Colonel Smith, who was so far in the rear, and so much encumbered with supply trains, that it was not likely he could join me; I was also actuated in coming to this decision by hearing that Colonel Johnston was assigned to the command and was coming up. For convenience of moving and, grazing, the force was divided into three columns, and, by slow marches, the whole reached Black's fork on the 2d of November.

Very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters, Army of Utah.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Bridger's Fort,
Black's Fork, November 25, 1857.

GENERAL: A large proportion of cavalry and battery horses as well as many draught animals of my command, have been starved by the unprecedented cold weather of the last month and the great scarcity of grass on our route; I have therefore ordered Captain R. B. Marcy, 5th United States infantry, to proceed to New Mexico to purchase a remount for the dragoons and batteries and a sufficient number of

draught animals to replace those which have died or been broken down on the march.

It is of the greatest importance that he should return to this place as early in the spring as he can, keeping in view the necessity of bringing on the animals in good condition. Assistance, such as you have it in your power to give for the promotion of the objects which it is so desirable that he should accomplish, would very greatly facilitate his speedy return.

I have also to request that a squadron of the rifle regiment, or such force as you may deem requisite, may be ordered to give him protection on his route back. Captain Marcy will give you the particulars of our march, &c.

With great respect, your obedient servant,

A. S. JOHNSTON,
Colonel 2d Cavalry, commanding Army Utah.

Brigadier General JOHN GARLAND,
Commanding Department New Mexico, Santa Fé.

HEADQUARTERS SECOND DRAGOONS,
Camp at Fort Kearney, October 5, 1857.

SIR: Colonel Johnston, commanding, was well aware that I calculated for success at finding the depot of corn on Sweet Water, made in August by Captain Van Vliet, assistant quartermaster, and of renewing it in the almost certain case of its having been used.

I learn now from Lieutenant Green, 2d dragoons, that there was little corn at Fort Laramie; but he met a very large train, which will probably reach the fort about the 16th instant.

I shall reach Fort Laramie the 21st or 22d, and it will be necessary to me that a part of the train go on with at least 60,000 pounds; 100,000 would be much better.

This train, preceding me five or six days, can carry this corn at least 200 miles before I overtake it; if circumstances permit, it will do better for it to keep on until overtaken, so that it do not go over 300 miles.

I am, very respectfully, your obedient servant,

P. ST. GEO. COOKE,
Lieutenant Colonel 2d Dragoons.

To COMMANDING OFFICER *of Fort Laramie, N. T.*

HEADQUARTERS SECOND DRAGOONS,
Camp above Fallow's Bluff, S. Platte, October 12, 1857.

MAJOR: I received this morning your letters of October 5th and 6th, (*previously*, those of September 24 and 29, and special orders.) Although I marched three miles from Fort Leavenworth September 17, I was so detained by the quartermaster department in my outfit that I was encamped twenty-two miles from Fort Leavenworth the night of the 21st. In consequence of information received of Lieutenant

Bryan, topographical engineers, that he had not bridged the streams on the new road, by Fort Riley, I finally took the old route.

I received from Lieutenant Perkins, October 1st, twenty-five not the "best teams" of the train from whence they came. I took fourteen wagons and teams and exchanged the other mules. From that day until this we have had daily rains.

I arrived at Fort Kearney, near noon, the 5th, and left there the morning of the 7th. Their supply of corn was barely what was needed for the road to Fort Laramie, and there was a deficiency of above 2,000 rations of hard bread.

I enclose a copy of a letter I wrote by an express to the commanding officer of Fort Laramie.

Eleven days of rain, with very bad roads, have had their inevitable effects upon horses and mules. I find I cannot keep up my attempted average of twenty-two miles a day; I shall, *perhaps*, arrive at Fort Laramie on the 22d instant, (one day over my ration supply.)

I hope to hear from you there. Captain Van Vliet's information as to the route was rather startling; from my knowledge of it, I anticipated a possibility of success, with an *average* condition of the grass. The question, I fear, in spite of the hopes I had formed, will turn upon this point: whether it will be more important for the regiment to reach the front (probably not a theatre of active operations) with horses ineffective, or attempt at Fort Laramie to preserve them for a future day.

I write this in anticipation of being passed by the mail—perhaps to-morrow

I enclose a field return for September; 77 desertions occurred after these companies were organized.

Very respectfully, your obedient servant,

P. ST. GEO. COOKE,
Lieutenant Colonel 2d Dragoons, Commanding.

The ASSISTANT ADJUTANT GENERAL.

ARMY OF UTAH,
Camp near Chimney Rock, October 18.

P. S.—Still anticipating the mail passing, I report that I still expect to arrive at Fort Laramie on the 22d instant. I *passed* yesterday the two corn trains, twenty-two days from Fort Kearney, which the enclosed letter was written to forward, in part, beyond Fort Laramie. They have scarce a month's half forage for the animals with me. The weather is exceedingly cold; wind northeast, with some rain, yesterday; northwest, with three hours *snow*, to-day, when two horses and above twenty mules, all three-year olds, gave out.

Very respectfully, P. ST. GEO. COOKE,
Lieutenant Colonel 2d Dragoons.

HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 12, 1857.

SIR: Yesterday two young men, named Hickman, were arrested by the rear guard of the army, and are now held in confinement. They

brought a letter from W. A. Hickman to Mr. Perry, a sutler of one of the regiments, but came under none of the privileges of bearers of despatches, and are, perhaps, liable to be considered and treated as spies. But I am convinced, from conversation with them, that their conduct does not merit the serious punishment awarded to persons of that character, and I have accordingly resolved to release the younger one, especially in consideration of his having a wife and three children dependent upon him, and to make him the bearer of this letter. The elder I shall keep until I know how this communication is received, and until I receive an answer to it, reserving, even then, the right to hold him a prisoner, if, in my judgment, circumstances require it. I need hardly assure you that his life will be protracted, and that he will receive every comfort and indulgence proper to be afforded him.

I desire now, sir, to set before you the following facts: the forces under my command are ordered by the President of the United States to establish a military post at or near Salt Lake City. They set out on their long and arduous march, anticipating a reception similar to that which they would receive in any other State or Territory in the Union. They were met at the boundary of the Territory of which you are the governor, and in which capacity alone I have any business with you, by a proclamation issued by yourself, forbidding them to come upon soil belonging to the United States, and calling upon the inhabitants to resist them with arms. You have ordered them to return, and have called upon them to give up their arms in default of obeying your mandate. You have resorted to open hostilities, and of a kind, permit me to say, very far beneath the usages of civilized warfare, and only resorted to by those who are conscious of inability to resist by more honorable means, by authorizing persons under your control, some of the very citizens, doubtless, whom you have called to arms, to burn the grass, apparently with the intention of starving a few beasts, and hoping that men would starve after them. Citizens of Utah, acting, I am bound to believe, under your authority, have destroyed trains containing public stores, with a similar humane purpose of starving the army. I infer also from your communication received day before yesterday, refering to "a dearth of news from the east and from home," that you have caused public and private letters to be diverted from their proper destination, and this, too, when carried by a public messenger on a public highway. Itis unnecessary for me to adduce further instances to show that you have placed yourself, in your capacity of governor, and so many of the citizens of the Territory of Utah as have obeyed your decree, in a position of rebellion and hostility to the general government of the United States. It becomes you to look to the consequences, for you must be aware that so unequal a contest can never be successfully sustained by the people you govern.

It is my duty to inform you that I shall use the force under my control, and all honorable means in my power, to obey literally and strictly the orders under which I am acting. If you, or any acting under your orders, oppose me, I will use force, and I warn you that the blood that is shed in this contest will be upon your head. My means I consider ample to overcome any obstacle; and I assure you that any idea you may have formed of forcing these troops back, or of preventing them from carrying out the views of the government, will result in unnecessary violence and utter failure. Should you reply to this in a spirit which our relative positions give me a right to demand, I will be prepared to propose an arrangement with you. I have also the honor to inform you that all persons found lurking around or in any of our camps, will be put under guard and held prisoners as long as circumstances may require.

I remain sir, very respectfully, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

His Excellency BRIGHAM YOUNG,
Governor of Utah Territory.

HEADQUARTERS ARMY FOR UTAH,
Camp on Ham's Fork, October 18, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant. I learn by the bearers that it is not an answer to one from me sent to you by Mr. T. J. Hickman. It is not within my province to disabuse you of the idea that the army of the United States can ever be used to oppress the citizens of the country, or to perform any other duty than to protect all law-abiding persons in their pursuits and property. I may assert that the acts of which you complain on the part of certain officials in your Territory, could never have been committed had there been an officer or a regiment of troops near enough to prevent it. It is no part of the duty, and still less of the wishes of any one connected with this force to interfere in any way with the religion of the people of Utah, whether they are members of the Mormon church, or worship under the forms of any church. But there are certain duties incumbent upon every man intrusted with a military commission and command, and the first is obedience of orders under all circumstances short of impossibility. I repeat my earnest desire to avoid violence and bloodshed, and it will require positive resistance to force me to it. But my troops have the same right of self-defence that you claim, and it rests entirely with you whether they are driven to the exercise of it.

In my letter, sent by Mr. Hickman, I set forth fully the position on which you and the people of Utah, or at least part of them, have become placed, and I stated my willingness to make an arrangement with you on other terms than those of battle. I await your reply, and urge you again to stop the treasonable course you are pursuing before you bring upon yourself, and many otherwise innocent persons, a vengeance of which you have little idea.

I am, with high respect, your obedient servant,

E. B. ALEXANDER,
Colonel 10th Infantry, Commanding.

His Excellency BRIGHAM YOUNG,
Governor of Utah Territory.

HEADQUARTERS ARMY OF UTAH,
Big Timbers, on Big Sandy,
En route to Salt Lake City, October 30, 1857.

SIR: The colonel commanding, with the view of securing army supplies, to-day reported as in store at Baptiste's trading station, directs that, secretly, at 2 o'clock to-night you move from this camp, by the direct route to that station, and take possession of all government stores you find, until delivered to the proper officers with this command. The ford at Green river is easy to cross, being not more than knee-deep.

He also directs that you keep your command and the occupants of the houses concealed, permitting no egress and securing all persons approaching the station.

Should any armed mounted men approach your party, you will knock them out of their saddles, and capture, if practicable, and treat as enemies all persons who molest you, or appear in arms on your route.

A non-commissioned officer and four privates will accompany your command to enable you to communicate, if necessary, with these headquarters.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Captain B. E. BEE,
10th Infantry, Big Timbers, Big Sandy.

HEADQUARTERS ARMY OF UTAH,
Black's Fork, 16 *miles from Fort Bridger,*
En route to Salt Lake City, November 8, 1857.

SIR: The colonel commanding directs that on the delivery to you, by Eli Dufour and Benjamin Claymoor, of two packages containing public letters, you will cause the former to be paid $300, (three hundred,) and the latter $200 (two hundred.)

Eli is to be continued in service, and will be returned to these headquarters as soon as practicable.

If Claymoor wishes to remain in the employ of the United States, you can make a new contract and send him with Eli.

The packages enclosed the colonel commanding directs that you forward, so as to reach their destination as soon as practicable.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Col. WM. HOFFMAN,
Commanding Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Camp, Junction of Smith's and Ham's Forks,
En route to Salt Lake City, November 13, 1857.

SIR: The colonel commanding directs that you cause to be pushed forward to these headquarters, at Fort Bridger, as soon as practicable, a train of 30 pack mules loaded with salt. Your knowledge of the country, and of the persons you will employ, will guide you in the route to be taken.

In making your preparations for moving in the spring, the colonel wishes you to take into consideration the route up the Laramie river, with the view of reaching this force at the earliest moment with the supply trains, time being the principal element to consider in your movement. As soon as Colonel Cooke arrives, Jeanise, or some other reliable person, will be sent over that route to report to you the probabilities of success, the difficulties to be overcome, the advantages of grass, and to be a guide in case you deem it advisable to move in that direction. It is hoped that you may be able to arrive here a month earlier than by the Oregon and California route, South Pass, sending some of your troops in advance to make or repair the road. It is inferred, from present information, that a practicable road exists, and that probably the principal difficulties to overcome will be the cutting down banks and making bridges. The guide who passes over it will examine the obstacles.

If you have sufficient information to decide you, this route is suggested as one for the pack train, as the grass is very scarce on this, and on the other it has not been injured.

The colonel commanding also suggests that the animals be not loaded heavier than 100 pounds. There is no salt with this army.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Col. WM. HOFFMAN,
Commanding Fort Laramie, N. T.

P. S.—Whichever route you take, will require boats or rafts to enable you to cross the principal streams. The colonel commanding, therefore, suggests that you bring with you wagons of corrugated iron, if you have them, or can procure them in time; if not, sufficient timber to make a boat of sufficient dimensions to cross your stores.

F. J. PORTER,
Assistant Adjutant General.

HEADQUARTERS ARMY OF UTAH,
Junction of Smith's and Black's Forks,
En route to Salt Lake City, November 13, 1857.

SIR: The colonel commanding understands that a quantity of arms, powder, lead and shot, were left at Richard's trading station, either on Deer creek or at Platte Bridge, by Grosbeck, the man in charge of the Mormon wagon train which passed your post about October 6. He directs you to have a thorough search made for these arms and

munitions, and, if found, have them seized in the name of the government. Should an unusual supply be found at the Mormon station on Deer creek or at Platte Bridge, the colonel wishes you to have it removed, leaving sufficient for ordinary trading purposes, no matter who may claim the ownership.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Col. WM. HOFFMAN,
Commanding Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Junction of Smith's Fork and Black's Fork,
En route to Salt Lake City, November 13, 1857.

SIR: The regulations in the case of private Edward Farrell, of your company, reported in your letter of the 18th ultimo, as transferred to company A, 6th infantry, not having been complied with, the colonel commanding disapproves of the transfer, and directs that he be borne upon the rolls as a member of your company.

You are directed to furnish the commander of your regiment with a copy of this communication.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Captain RENSSELAER W. FOOTE,
Commanding Company C, 6th Infantry, Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Junction of Smith's and Black's Forks,
En route to Salt Lake City, November 13, 1857.

SIR: The colonel commanding directs that on the delivery to you of a package containing seven communications, you cause the bearer, an Indian boy, to be paid the amount of $200 (two hundred dollars) for services rendered in bearing a despatch to these headquarters from Lieut. Colonel Cooke, second dragoons.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Colonel WM. HOFFMAN,
Commanding Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Black's Fork, six miles from Fort Bridger,
En route to Salt Lake City, November 14, 1857.

SIR: In addition to the compensation designated in my letter of yesterday, the colonel commanding directs that you pay the bearer

(Indian boy, Newell,) one hundred dollars, ($100) on delivery to you of a package to your address, containing the communications referred to.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Col. WM. HOFFMAN,
Commanding Fort Laramie, N. T.

HEADQUARTERS ARMY OF UTAH,
Camp near Fort Bridger,
En route to Salt Lake City, November 18, 1857.

SIR: The colonel commanding directs me to inform you that only a portion of the supply trains will be drawn from your camp to day, and in consequence of the enfeebled condition of the animals, the oxen will not be returned until the 20th instant. He therefore directs that you keep the main portion of your regiment with you in camp, guarding the trains, till all are in motion, sending a sufficient guard with each train. Two of the companies escorting the trains to-day will camp, as directed, at Fort Bridger, while the others will come to this camp, where your regiment will be assembled.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Colonel E. B. ALEXANDER,
Commanding 10th Infantry, Camp Scott, U. T.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger, U. T.,
En route to Salt Lake City, November 19, 1857.

SIR: The colonel commanding directs that you proceed with your company, as escort to the train of Lieutenant Lucius L. Rich, A. A. Q. M., charged with collecting all abandoned wagons between this point and Ham's fork, and bringing to the camp a portion of the goods of Messrs. Gilbert & Radford.

A copy of Lieutenant Rich's instructions are enclosed. You will supply your men with rations for ten days.

I am sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieutenant C. H. TYLER,
Commanding Company H., 2d Dragoons, Camp Scott, U. T.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger, U. T.,
En route to Salt Lake City, November 19, 1857.

SIR: The colonel commanding directs that, as medical director, you have requisitions made upon the assistant quartermaster for the camp

and garrison equipage, &c., to establish hospitals for the different regiments and batteries, and that you make the necessary arrangements to establish and complete a general hospital, such as you deem necessary for the command.

Assistant Surgeon Ridgely has been directed to forward his requisitions to you.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Surgeon MADISON MILLS,
Medical Director, Army of Utah.

[Circular.]

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger, November 19, 1857.

All persons discharged from the trains accompanying this army, as well as all other American citizens unemployed, are invited to enrol themselves into companies for 9 months in the military (volunteer) serviceof the United States.

The compensation will be that of an infantry soldier, viz: $11 per month and rations and clothing.

The above to be paid when appropriated by Congress.

By order of Colonel Albert S. Johnston.

F. J. PORTER,
Assistant Adjutant General.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger,
En route to Salt Lake City, November 19, 1857.

SIR: The colonel commanding directs you to take forty good six-mule teams from the train of this army, and proceed to the junction of Black's and Ham's forks, collecting all abandoned wagons.

Arriving there, you will tender, in his name, (that of government) to Messrs. Gerrish & Radford, merchants and sutlers to this army, your train to assist in transporting to this camp their most valuable goods and merchandise, especially those of a perishable nature and most serviceable to the Mormons, as clothing, groceries, &c.

I am instructed to caution you not to permit your wagons to be heavily loaded, or to make long marches.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Second Lieutenant L. L. RICH,
Fifth Infantry, A. A. Q. M.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger, U. T.,
En route to Salt Lake City, Nov. 19, 1857.

SIR: The colonel commading directs that, with forty men of your command, supplied with ten days' rations, you proceed to the camp, on or near Ham's fork, about 30 miles distant, of Messrs. Garrish and Radford, merchants and sutlers to this army, and escort to this camp so much of their trains as can be moved.

Should you meet a portion of the moveable train, you will unite the whole of it, and keep it united, and not permit your command to be divided more than is necessary to guard the column.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Second Lieut. HENRY B. LIVINGSTON,
Commanding Company E., 2d Dragoons,
Camp Scott, U. T.

GREEN RIVER COUNTY,
Fort Bridger, U. T., November 21, 1857.

On the 11th of July, 1857, I was appointed by the President to be governor of this Territory. Since my arrival within the limits of the Territory, I regret to have found that many acts of violence have been committed on the highways, in the destruction and robbery of property belonging to the United States. These acts, which indicate that the Territory is in a state of rebellion, are ascribed, how truly I do not know, to yourself.

A proclamation purporting to have issued from you, and a paper signed with your name, found upon the person of Joseph Taylor, have been submitted to my inspection. The matter contained in these papers authorizes and commands violent and treasonable acts—acts tending to the disruption of the peace of the Territory, and which subject their actors to the penalties awarded to traitors. If these papers referred to be not authentic, I trust you will promptly disavow them.

I herewith enclose a copy of my proclamation to the people of Utah.

You will oblige me by acknowledging the receipt of this by the returning messenger.

I am, sir, very respectfully, your obedient servant, &c.

A. CUMMING,
Governor of Utah Territory.

BRIGHAM YOUNG,
Ex-Governor of Utah Territory.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., November 21, 1857.

Official.

F. J. PORTER,
Assistant Adjutant General.

GREEN RIVER COUNTY,
Fort Bridger, Utah Territory, November 21, 1857.

To the People of Utah Territory:

On the 11th of July, 1857, the President appointed me to preside over the executive department of the government of this Territory. I arrived at this point on the 19th of this month, and shall probably be detained some time, in consequence of the loss of animals during the recent snow-storm. I will proceed at this point to make the preliminary arrangements for the temporary organization of the territorial government, many treasonable acts of violence having recently been committed by lawless individuals, supposed to have been commanded by the late executive. Such persons are in a state of rebellion. Proceedings will be instituted against them in a court organized by Chief Justice Eckles, held in this county, which court will supersede the necessity of appointing military commissions for the trial of such offenders. It is my duty to enforce unconditional obedience to the Constitution, to the organic law of this Territory, and to all the other laws of Congress applicable to you. To enable me to effect this object, I will, in the event of resistance, rely, first, upon a *posse comitatus* of the well-disposed portion of the inhabitants of this Territory, and will only resort to a military *posse* in case of necessity. I trust this necessity will not occur.

I come among you with no prejudices or enmities; and, by the exercise of a just and firm administration, I hope to command your confidence.

Freedom of conscience, and the use of your own peculiar mode of serving God, are sacred rights, the exercise guarantied by the Constitution, with which it is not the province of the government, or the disposition of its representatives in this Territory, to interfere.

In virtue of my authority, as commander-in-chief of the militia of this Territory, I hereby command all armed bodies of individuals, by whomsoever organized, to disband, and return to their respective homes. The penalty of disobedience to this command will subject the offender to the punishment due to traitors.

A. CUMMING,
Governor of Utah Territory.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., November 21, 1857.

Official. F. J. PORTER, *A. A. G.*

HEADQUARTERS 2D REGIMENT OF DRAGOONS,
Camp on Black's Fork, Utah Territory, November 21, 1857.

SIR: As required, I have the honor to report that, in obedience to instructions from the colonel commanding the army for Utah, I marched, in command of six companies 2d dragoons, three miles from Fort Leavenworth, and encamped the afternoon of the 17th September.

The regiment had been hastily recalled from service in the field and allowed three or four days only, by my then commanding officer, to prepare for a march of eleven hundred miles over an uninhabited and mountain wilderness; in that time the six companies of the regiment who were to compose the expedition were re-organized; one hundred and ten transfers necessarily made from and to other companies; horses to be condemned and many obtained; the companies paid, and about fifty desertions occurred; the commanders of four of them changed. To these principal duties and obstacles, implying a great mass of writing, were to be added every exertion of experience and foresight to provide for a line of operation of almost unexampled length and mostly beyond communication. On the evening of the 16th, at the commencement of a rain-storm, an inspector general made a hurried inspection by companies which could not have been very satisfactory to him or others—the company commanders, amid the confusion of Fort Leavenworth, presenting their new men, raw recruits, whom they had yet scarcely found or seen, under the effects usually following the pay-table.

I marched, then, on the 17th; my preparations, though hurried, were as complete as was possible; then it was to be proved that three or four more days were to be lost in waiting for the quartermaster's department to supply the absolutely necessary transportation. On the 18th one hundred and seven mules were furnished, which the same day had arrived from a march of perhaps two thousand miles to and from Bridger's Pass; above one hundred of the others were nearly worthless from want of age, and requiring several hours to harness a team. On the morning of the 19th twenty-seven teamsters were wanting, and men were furnished utterly ignorant of the business and without outfits. I marched late that day fourteen miles, and the last of the train reached the camp at 12 m. on the next day, the 20th, eleven wagon tongues having been broken. On the 21st, after a hard rain, I marched six miles, which on slippery roads was as much as such a train could well accomplish; and only that night near half of one of the companies whom we had met returning to Fort Leavenworth, from a march of 600 miles, reached my camp.

Half allowance, or six pounds a day of corn for horses and mules, was the largest item of transportation; three or four laundresses, with their children, were with each company.

September 23d I received an application of Governor Cumming for forage for his (54) public animals, and was first informed that an order from the War Department, communicated to the quartermaster's department at Fort Leavenworth, ordered it furnished.

The weather now for ten days proved very fine; but there was generally a deficiency of grass, that was not compensated by the corn allowance; this was owing to the many troops and contract trains which had passed, the camps being on streams running across the route.

October 1.—On the Little Blue I reached the train of twenty-five wagons and teams which the colonel commanding had there stopped

from their return from the Cheyenne expedition, to make out my outfit for the longer marches beyond assistance. Hard bread for the whole march to Salt Lake City was to be taken from Fort Kearney. Such was the condition of the young mules furnished at Fort Leavenworth, that only fourteen of these additional wagons were available, sixty-six mules being necessarily exchanged. Here, as had been ordered, Assistant Surgeon Covey joined the regiment, relieving Assistant Surgeon Milham.

October 3.—There was so severe a northeast rain-storm that I lay in camp; I knew there would be no fuel at the next, on the Platte river.

October 4.—I marched in the rain, and on the 5th arrived at Fort Kearney at 10 a. m.; my rate of marching, after September 21, having averaged twenty-one miles a day. There I remained the next day. I could not increase the number of wagons, but exchanged a few mules; nor could the required amount of corn be furnished.

On the 7th I marched in the rain, which had continued since the 2d of the month.

Up to the 12th—eleven days—the rainy weather continued, clearing up with thick ice; but the marches averaged twenty-one miles. The grass was very scarce and poor. It was not a season and prospect for delays. Every care was taken to sustain the horses; they were led, at that time, about two hours a day, and grazed on spots of grass found in the march. The length of the march was also accommodated to it and diligent search made. That night I was encamped on an island west of Fallow's bluff. This long rain made the want of fuel more severe; it rendered useless the now scarce *bois de vache*.

After this, repeated hard frosts, with the previous consumption of grass by the troops, trains, and 60,000 emigrant cattle, almost left us without this all-important support—I mean of a sort or condition fit for the support of our animals.

October 15.—I crossed the South Platte, with a very cold northwest wind. Descended Ash Hollow, and marched a mile or two on the North Platte in the vain search for any grass. These twenty-two miles, with the two serious obstacles overcome, were accomplished by the whole train in good time. This must be attributed to the excellent management of that most efficient officer, First Lieutenant John Buford, regimental quartermaster.

After this, the horses began to die and be necessarily left on the road. On the 17th two corn trains were passed, which had left Fort Kearney twelve days in advance of the regiment. I renewed my deficient supply—relieving them. A northeaster, with sleet, was distressingly chilling that evening, in camp on "Smith's fork." Next day there was a snow-storm, falling three or four inches, which the teams were scarcely forced to face; and twenty-three mules, all three-year olds, were relieved from harness, exhausted. Bunch grass was sought and found that night in the hills, several miles from the river. Private Whitney, of company "G," died in that camp, near Chimney Rock, of lockjaw. He was buried on the bluff with the honors of war. Next morning, at sunrise, the thermometer was at 33°,

but a fierce wind made the cold excessive; we found ice floating in the river.

October 20.—I crossed Scott's bluff by the old (the best and shortest) road; snow still nearly covering the ground. A mail, which had been in company for eleven days, did not get up the night of the 21st.

On the 22d my camp was four miles below Fort Laramie, with scarcely an appearance of grass, and there was *none* other for miles. I had made twenty-one miles a day from Fort Kearney, the road being pronounced worse than ever remembered by a number of old and frequent travellers on it.

On the 23d the regiment encamped a half a mile below the fort, on Laramie river. Mr. Buford, sent the night before, although there directed *elsewhere*, had found the *only* grass a mile and a half higher up, where the mules were herded during my stay He was now directed to make a critical examination and report upon all the mules, and a board of the oldest company officers was ordered to carefully inspect and report upon the horses.

Fifty-three were reported, on the 24th, ineffective for active service, and 278 fit to prosecute the march. The regimental quartermaster reported his ability to proceed with a diminution of only ten wagons; but eleven others of the train only capable of going five or six days, when their loads of corn would be consumed, if the others were not lightened. There was but little hay there, and I ordered an issue from it to the horses during their stay. The corn trains were expected in a day or two; it was so absolutely necessary to await their arrival. I had received your communication of October 5, giving discretionary authority to winter in the vicinity of Fort Laramie, but that evening I determined to continue on. I ordered the laundresses to be left; Lieutenant Colonel Hoffman stated he could provide for them. Those too sick to ride were ordered to be left; of the men dismounted, one married man to a company, and such others deemed by their company commanders "ineffective afoot," were authorized to be left. The allowance of equipage in the general order for the summer march was greatly reduced, as, in fact, all other baggage, and even too ambulances brought for the sick were loaded with corn until they might be needed. I considered it prudent to take rations for thirty days.

On the 26th of October the corn arrived, and was instantly taken and packed, by great exertions, for the march that afternoon, it being recommended by the guide, Jeanise, who now joined me, in order to make camps with grass.

At one o'clock the "general" was sounded; soon after I received the despatch of October 18 from South Pass; this, announcing, in fact, hostilities in front, the great want of cavalry, and the strong hope of the colonel to see us with him, I read to the officers assembled in front of the mounted regiment, adding a few words expressing my confidence in their every exertion to meet the kindly-announced expectations of the commander of the army. I had corn for the night brought to the camp seven miles by two wagons of the fort; half allowance for eighteen days was then in camp; the horses were all

blanketed from that time, and on the march led and mounted alternate hours, besides dismounting on difficult ground.

October 27.- Marched twenty miles; the guide found very good grass far from the usual road by making a cut-off to the North Platte. There I commenced herding the horses till dark, and the mules all night.

The marches were twenty miles a day until the 30th of October, when, finding on the river very unusually good grass, after marching eight miles, the camp was made, and horses and mules herded; no corn being issued in that camp, s avea half feed to *horses* next morning.

Next day there was rain, but we marched twenty miles to the first grass in the vicinity of Deer creek, two miles west of it. At the trading house I caused some good hay to be purchased—all there was, and less than an allowance for the horses. A hunter was there hired; a beef procured and slaughtered; an expressman was also engaged; and I wrote to communicate with headquarters, but the man did not present himself until the next night.

November 1.—Owing to total absence of grass, the march was prolonged to twenty-three or twenty-four miles, and a camp made above the bridge. Next morning was very cold. The few tents were with difficulty folded and packed, having remained frozen from the sleet two nights before. The old road was taken, leaving the river at the crossing, and it not having been used by the troops, we were not disappointed in finding grass for a camp at the first spring—15 miles.

Five wagons and teams of the worst mules were that morning left in camp, to return to Fort Laramie after resting a day.

November 3.—Twenty miles were accomplished against an excessive cold headwind, to a camp on Sage creek. The horses were mostly led. The fatigue of walking up and over the high hills in the face of the wind was very great. A bad camp, with poor hill grass, and a cold rain, was our welcome on Sage creek.

November 4.—The camp was on Sweet Water, a mile above Independence Rock. The hunter brought in at night four hundred pounds of good buffalo meat; and also, for me, a canteen of petroleum, from a spring, at the base of one of the small black mountains, not distant from the road. Five empty wagons and teams were ordered back to Fort Laramie.

November 5.—We passed Devil's Gate, with a scenery landscape up the Sweet Water valley. We crossed the little river to within half a mile of a deep, grassy vale, extending into the mountain masses of naked granite. There all the animals were loosed for the night, the mouth of the cañon only being guarded.

On the 6th we found the ground once more white and the snow falling, but then very moderately; I marched as usual. On a four-mile hill the north wind and drifting snow became severe; the air seemed turned to frozen fog; nothing could be seen; we were struggling in a freezing cloud. The lofty wall at "Three Crossings" was a happy relief; but the guide, who had lately passed there, was relentless in pronouncing that there was no grass. The idea of finding and feeding upon grass, in that wintry storm, under the deep snow, was hard to entertain; but as he promised grass and other shelter two

miles further, we marched on, crossing twice more the rocky stream, half choked with snow and ice; finally he led us behind a great granite rock, but all too small for the promised shelter. Only a part of the regiment could huddle there in the deep snow; whilst, the long night through, the storm continued, and in fearful eddies from above, before, behind, drove the falling and drifting snow. Thus exposed for the hope of grass, the poor animals were driven, with great devotion, by the men, once more across the stream and three quarters of a mile beyond, to the base of a granite ridge, but which almost faced the storm; there the famished mules, crying piteously, did not seek to eat, but desperately gathered in a mass, and some horses, escaping the guard, went back to the ford, where the lofty precipice first gave us so pleasant relief and shelter.

Thus morning light had nothing cheering to reveal; the air still filled with driven snow; the animals soon came driven in, and, mingled in confusion with men, went crunching the snow in the confined and wretched camp, tramping all things in their way. It was not a time to dwell on the fact that from that mountain desert there was no retreat, nor any shelter near; but a time for action. No murmurs, not a complaint was heard, and certainly none saw in their commander's face a doubt or clouds; but with cheerful manner he gave orders as usual for the march.

And then the sun showed his place in the sky, and my heart, for one, beat lighter; but for six hours the frost, or frozen fog, fell thickly like snow, and again we marched on as in a cloud. The deep snow drifts impeded us much, and in crossing Sweetwater the ice broke in the middle. Marching ten miles only, I got a better camp, and herded the horses on the hills. It was a different road, but near Ice spring, where, a few days before, the bodies of three frozen men were found.

November 8.—The mercury this morning marked forty-four degrees below the freezing point. The march was commenced before 8 o'clock, and soon a high northwest wind arose, which, with the drift, gave great suffering. Few could ride long; but, of necessity, eighteen miles were marched to Bitter creek. The snow was blown deep in its valley, to which the hills gave little shelter. On them the guide said there was *some* grass, but few animals went, and none staid there, so bitter was the wind. Twenty-three mules had given out, and five wagons and the harness were ordered to be abandoned at the camp.

Next day nineteen miles were to be marched; the road over high hills and table lands; the snow was deep and drifted; the officers and men leading must break through the drifts in the road, where the wagons must follow it; the cloud was still on us, and freezing in our faces. Seven hours there, and the Sweetwater valley was regained. The wagons arrived at night. The animals were driven over the ice to herd on the high hills bounding the very narrow valley; but in the night a very great wind arose and drove them back from the scant bunch grass, there freezing to death fifteen. We had there for fuel, besides the sage, the little bush willow sticks.

November 10.—The northeast wind continued fiercely, enveloping

us in a cloud which froze and fell all day. Few could have faced that wind. The herders left to bring up the rear with extra but nearly all broken down mules, could not force them from the dead bushes of the little valley; and they remained there all day and night, bringing on next day the fourth part that had not frozen. Thirteen mules were marched, and the camp was made four miles from the top of the pass. A wagon that day cut partly through the ice of a branch, and there froze so fast eight mules could not move it empty. Nearly all the tent pins were broken in the last camp; a few of iron were here substituted Nine trooper horses were left freezing and dying on the road that day, and a number of soldiers and teamsters had been frost-bitten. It was a desperately cold night. The thermometers were broken, but, by comparison, must have marked twenty-five degrees below zero. A bottle of sherry wine froze in a trunk. Having lost about fifty mules in thirty-six hours, the morning of the eleventh, on the report of the quartermaster, I felt bound to leave a wagon in the bushes, filled with seventy-four extra saddles and bridles, and some sabres. Two other wagons at the last moment he was obliged to leave, but empty. The Sharp's carbines were then issued to mounted as well as dismounted men.

The 11th, pleasant in the forenoon to men well wrapped and walking in the sun; we early surmounted the pass, and marching seventeen miles encamped on Dry Sandy. The guide's search resulted in his reporting: "no grass." There remained but one day's corn after that night. It proved intensely cold, which must needs be, (seven to eight thousand feet high,) in winter, in latitude above 42°; the mules, for once, were ordered to be tied at the wagons; they gnawed and destroyed four wagon tongues, a number of wagon covers, ate their ropes, and getting loose, ate the sage fuel collected at the tents; some of these they also attacked; nine died.

The fast growing company of dismounted men were marched together as a separate command by day; the morning of the 12th, a number of them were frost-bitten from not being in motion, although standing by fires.

That day eighteen miles were marched to Big Sandy, where the guide found grass, and fuel with it, so good, that the 13th was made a day of rest; the animals all herded at the grass. Fifty horses had been lost since Laramie. The regiment had retained through its sufferings an excellent spirit.

November 14th was cold, with a dense fog, which caused much delay and difficulty in collecting the animals. I marched, however, eighteen miles, to Second Crossing; there was scarcely any grass. The weather had now much moderated.

The 15th, I reached and crossed Green river; there was very little grass, near or far; the horses were herded at night half a mile from camp, crossing the river on the ice. The United States October mail, which preceded me by two days from Fort Laramie, arrived there soon after me. Nine wagons were left at the house and forty-two mules, with teamsters to herd them.

The sick report had rapidly run up from four or five to forty-two; thirty-six soldiers and teamsters having been frosted.

A man of Green river, named *Migette*, was authorized to collect and winter such animals as he might find surviving on the road.

November 16.—We had to face a very severe wind, and to march too, eighteen miles, before a camp ground could be got on Ham's fork; and there was little or no grass. At mid-day my return express, now sent to Fort Laramie, was met. Twenty horses were abandoned in that twenty-four hours.

Next day the guide was sent early to look for grass; we found some, and I marched, leading the horses six miles, and encamped there on "Little Muddy" running into Black's fork.

The 18th, thirteen miles were marched, and some very good bunch grass was found, by careful search, between the barren clay ridges, within half a mile of which I camped on Black's Fork.

November 19.—Marched *leading* through the mud and snow, as yesterday, fourteen miles; passing the camp of the 10th infantry, I encamped several miles above them, on Black's fork, and about three miles below "Fort Bridger."

From there I reported in person yesterday, and one of my companies joined, at the army headquarters, camp Scott. I have one hundred and forty-four horses, and have lost one hundred and thirty-four. Most of the loss has occurred much this side of South Pass, in comparatively moderate weather. It has been of starvation; the earth has a no more lifeless, treeless, grassless desert; it contains scarcely a wolf to glut itself on the hundreds of dead and frozen animals which for thirty miles nearly block the road; with abandoned and shattered property, they mark, perhaps, beyond example in history, the steps of an advancing army with the horrors of a disastrous retreat.

A list of the officers is subjoined.

With high respect, your obedient servant,

P. ST. GEO. COOKE,
Lieut. Col. 2d Dragoons.

THE ASSISTANT ADJUTANT GENERAL,
Army of Utah, Camp Scott, U. T.

Lieutenant Colonel P. St. Geo. Cooke.
Major M. S. Howe.
First Lieutenant John Buford, regimental quartermaster.
First Lieutenant John Pegram, adjutant.
Assistant Surgeon Edward N. Covey.
Brevet Major H. H. Sibley, commanding company I and squadron.
Captain James M. Hawes, commanding company C and squadron.
First Lieutenant Jonas P. Holliday, commanding company F and squadron.
First Lieutenant Thomas Hight, commanding company B.
First Lieutenant John B. Villepigue, commanding dismounted men.
Second Lieutenant George A. Gordon, commanding company A.
Second Lieutenant John Mullens.

Second Lieutenant Ebenezer Gay, commanding company G.
Second Lieutenant John Green.
Second Lieutenant Francis C. Armstrong.
Second Lieutenant George Jackson.
Brevet Second Lieutenant Samuel W. Ferguson.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, near Fort Bridger,
En route to Salt Lake City, November 22, 1857.

SIR: I have the honor to state that your letter of October 27th ultimo, in the case of Captain Humber, 7th infantry, and enclosing a medical certificate of ill health, has been laid before the colonel commanding, and the following is his endorsement thereon:

"HEADQUARTERS ARMY OF UTAH,
"*Camp Scott, Utah Territory, November* 20, 1857.

"The colonel commanding, by silence, cannot permit the action of Colonel Hoffman to be a precedent for an officer under his command to authorize another to go beyond his control.

"The exercise of such a power is not warranted by the regulations; nor from the nature of the disease, by the urgency of the case, the only event which will sanction its application.

"Captain Humber will not be recalled, though the application for a leave of absence was not granted; but Colonel Hoffman will inform him of the action of the colonel commanding."

This endorsement is furnished by direction of the colonel commanding.

I am sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Brevet Lieut. Col. WILLIAM HOFFMAN,
Commanding Fort Laramie, Nebraska Territory.

CAMP SCOTT, U. T.,
November 22, 1857.

SIR: As chief of the quartermaster's department, and thus directly or indirectly responsible for the transportation of this army, I beg leave to submit the following report for the consideration of the colonel commanding:

From the limited observation I have been able to make, and from all the information I can get in regard to the quantity of grass in this vicinity, I am confident there is not enough within ten miles to subsist the animals of this command for six weeks. We have now been here scarcely a week, and in that short period it has all been eaten off for a mile and a half in each direction. If the attempt is made to winter them all near here, I am fearful there will not be any in the spring fit for draught, if any considerable number of them should survive. About twelve teams will be necessary for daily service. These teams could be reduced to four mules to a team. With the little subsistence these animals can get, they cannot work more than one day out of three or four. Thus 172 mules must be kept in the vicinity of the camp, and when worked one day in four it is not probable they can be kept serviceable more than a month at a time. By the end of each month they must be transferred to the general herd, and replaced by others that have been somewhat recruited. In this manner they will all be kept worked down and unfit for use in the spring when they will be most needed.

Henry's fork is the nearest point where, in my opinion, grass can be found in sufficient quantity to maintain them in working condition for the next four months. If the troops are to remain in this camp, I would respectfully suggest, for the consideration of the colonel commanding, the propriety of sending to that point, under proper guards, all the animals under my charge, with the exception of about 350 mules. If the grass on Black's fork above our camp and on Smith's fork were reserved for these 350 mules, it would subsist them for the winter. Of this number one-half should be kept distant from the camp on good grazing, and the other half near us for daily use Those kept here will get but little to eat, but by changing them, say every two weeks, with those that are distant, we may get through the winter without using up more than these 350 mules.

The majority of those sent to Henry's fork that are not now too much broken down would, with a mild winter, be fit for service early in the spring.

The reports from the different quartermasters as to the loss of animals in the march, the number now on hand and their condition, have not all been sent in yet; but I think the number to be wintered will not differ materially from 2,400, including beef cattle.

Very respectfully, your obedient servant,
JOHN H. DICKERSON,
Captain and A. Q. M.

Major F. J. PORTER,
Assistant Adjutant General.

CAMP SCOTT, U. T., *November* 24, 1857.

SIR: I have the honor to report, for the information of the colonel commanding, that about 588 mules of this command have died since leaving Fort Leavenworth. Over nine-tenths of this loss has occurred within the last month. About half the horses of the two batteries are dead, and two-thirds of the dragoons are dismounted. The animals now remaining are leg-weary and without life, and many of them must die during the winter. I think we cannot count with safety on having over five hundred serviceable mules and forty battery horses on the first of next May. The loss of dragoon horses depends on the amount of duty they have to perform between this and spring, and no estimate of the loss can be made; but it is not probable that

any considerable number will be serviceable. Another outfit will, therefore, be required for any movement that may be contemplated in the spring. The only animals that can be gotten here are Indian ponies, and we cannot rely with certainty on getting many of those. The mass of the animals for the spring outfit must be gotten either from Fort Leavenworth or from New Mexico. It is of the highest importance that the animals should be gotten here at the earliest period practicable. They can be gotten under way from fifteen to thirty days earlier from New Mexico than they can from Fort Leavenworth, and will be six hundred miles nearer us at the starting point. From my knowledge of the country, and from the best information I can get, I am confident as many, both American and Mexican, mules can be gotten on the upper and lower Rio Grande as will be wanted.

Generally but few American horses can be procured. They are bought up for mounted corps serving in the country. They have there, however, a large sized pony, or "half-breed" horse that would answer admirably well for remounting the dragoons.

The route from here to New Mexico is believed to be entirely practicable at this season of the year. Herds of sheep have been brought through in the winter season, or, at least, started sufficiently early to get to Henry's fork by the last of April. And there does not appear to be any obstacle to our having animals brought through by the 15th of May, and arrive here in good condition. There are guides here, familiar with the route, who are willing to conduct the party, if one should be sent.

I would respectfully suggest that a commissioned officer, with a proper escort, be sent through this winter, with a view of bringing back animals as early as practicable in the spring. I enclose an estimate for four hundred horses and one thousand mules. If horses cannot be gotten there in sufficient numbers suitable for battery purposes, then two hundred large sized American mules should be gotten, to take the place of horses in the batteries.

By despatching the party early, it would get through in time to procure the animals and have them in good condition to start on the return trip, by the first of March. I have no doubt but a considerable number of the mules could be procured from the quartermaster's department. These animals might be packed with light loads, and travel slowly till the grass becomes good, without destroying their efficiency, and thus bring through 100,000 pounds of subsistence stores. Each animal should start with 50 pounds of corn, to be fed to it on starting out, and when grass is scarce.

I am, major, very respectfully, your obedient servant,

JNO. H. DICKERSON,
Captain and Asst. Quartermaster.

Major F. G. PORTER,
Asst. Adjutant General.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., November 26, 1857.

Estimate for funds required for purchasing in New Mexico and transporting to the vicinity of Fort Bridger, Utah Territory, four hundred horses and eight hundred mules, viz:

150 American horses, at $175	$26,250
250 large sized Mexican horses, at $85	21,250
600 Mexican mules, at $80	48,000
200 American mules, at $125	25,000
10 packmasters for two months, at $75 per month	1,500
280 packers for two months, at $30 per month	16,800
	138,800

JNO. H. DICKERSON,
Captain, and Assistant Quartermaster.

I have estimated only for eight hundred mules, relying the other two hundred from the quartermaster department.

J. H. D., *Asst. Quartermaster.*

HEADQUARTERS ARMY OF UTAH,
Camp Scott, Utah Territory, November 26, 1857.

SIR: The colonel commanding is informed of a number of horses for sale by the Utah Indians, through bands of which tribe you will pass on your route to New Mexico. He desires you to purchase horses from them suitable to the wants of this army, and send them, if practicable, direct to this camp or Lieutenant Colonel Cooke.

As these animals cannot be procured but in exchange for Indian goods, he authorizes you to purchase such to the value of five hundred and sixty-three dollars.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Capt. R. B. MARCY,
5th Infantry, Commanding Expedition to New Mexico.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, Utah Territory, November 26, 1857.

SIR: The colonel commanding has reason to believe Mormons are lurking in the part of the country you are to occupy, and, therefore, warns you that an ample guard, both of foot and horse, may be assigned to all herds sent from you.

He doubts not you will treat all men as enemies who interfere with your movements or threaten your charge; but, lest you should

have doubts of your authority, he wishes you to seize all suspicious persons who visit your camp; and should you be convinced of the proximity of any armed parties of men, large or small, to become acquainted with their intentions, and, if necessary, to pursue, capture or rout them.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. P. ST. GEO. COOKE,
Commanding 2d Dragoons,
En route to Henry's Fork.

OFFICE OF THE COMMISSARY OF SUBSISTENCE, ARMY OF UTAH,
Camp Scott, near Fort Bridger, U. T., Nov. 28, 1857.

MAJOR: For the information of colonel commanding, I have the honor to enclose, herewith, a statement of subsistence stores received from the supply trains of Messrs. Russell & Waddell, contractors for transportation, and now stored in Fort Bridger, Utah.

In addition to the articles of subsistence stores, enumerated in the statement, there are, including seven hundred (700) belonging to the government, about two thousand (2,000) head of cattle in this vicinity, and that of Henry's fork; all of which, not now belonging to the United States, have been, or, it is believed, can be secured by contract for the use of the troops.

Sufficient coffee, sugar, and soap, to supply deficiencies of those articles, can be purchased from merchants at this camp. The aggregate number of persons at present dependent on the government supplies for subsistence, as near as can be ascertained, is twenty-four hundred, (2,400,) and that the supplies may be certain to last until others can be brought forward next year.

I recommend that, for the present, the following arrangement of the articles mentioned of the ration may be substituted for that established by army regulations:

Bacon, including hams, the ration remaining at present to be issued but once in seven days;

Two (2) pounds of fresh beef per ration;

Twelve (12) ounces of flour per ration;

Beans to be issued thrice in ten days;

Rice to be issued five times in ten days;

Desiccated vegetables to be issued twice in ten days;

Half rations of vinegar, candles, and soap;

Molasses to be issued twice and dried peaches once in fifteen days—one gallon of the former and ten pounds of the latter being allowed to the hundred rations.

And I further recommend that officers, civil and military, in their purchases for the use of themselves, families, and servants, be limited to the ration; and that the issues herein recommended be extended to the hired employees, as well as to the enlisted men composing this army.

I am, major, very respectfully, your obedient servant,

H. F. CLARKE,
Captain and C. S., U. S. Army.

Major F. J. PORTER,
Assistant Adjutant General, Army of Utah.

Statement of subsistence stores received from the supply trains of Messrs. Russell & Waddell, contractors for transportation, and now stored in Fort Bridger, Utah.

No. of pounds,&c	Articles.	No. of rations.		No. of days' rations for 2,400 men, under the arrangement established by army regulations, of each article.
46,800	Pounds of bacon	62,400		
5,000	Pounds of ham	6,666	69,066	28.
405,500	Pounds of flour		360,444	150.
375	Bushels of beans	150,000		
26,100	Pounds of rice	261,000		
122,450	Rations dessicated vegetables	122,450	533,450	222.
17,250	Pounds of Rio coffee	287,500		
2,500	Pounds of Java coffee	41,666		
260	Pounds of tea	17,333	346,499	144.
60,000	Pounds of sugar	500,000		
2,500	Pounds of crushed sugar	20,833	520,833	217.
3,300	Gallons of vinegar		330,000	137.
4,480	Pounds of sperm candles		448,000	186.
7,550	Pounds of soap		188,750	78.
1,000	Gallons of molasses		200,000	83.
104	Bushels of dried peaches		34,320	14. 10 lbs. to the 100 rations.

H. F. CLARKE,
Captain and C. S., U. S. A.

CAMP SCOTT, NEAR FORT BRIDGER, U. T.,
November 28, 1857.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, Utah Territory, November 30, 1857.

SIR: The colonel commanding designs sending to Fort Laramie early to-morrow morning Jeanise, Boiderai, Mr. Bartleson, and a Spaniard in your employ transferred from Lieutenant Buford, and wishes the party supplied with five mules, one pack-saddle, and the necessary equipment, and rations for fourteen days.

Jeanise is to continue in the employ of the United States, and to return with Colonel Hoffman. He will be charged with three of the animals, and from the time of arriving at Fort Laramie, will supply his own horse or mule.

Mr. Bartleson will be supplied with one mule, and on delivering it to the quartermaster at Fort Laramie, will be paid $5 per day during the journey.

Boiderai will be employed as a guide. He will supply his own animal, and be paid $5 per day. Colonel Hoffman will return him to this camp as soon as practicable.

The Spaniard will have one mule—to be delivered to the quartermaster—will be retained in service at his present pay, and, at the discretion of Colonel Hoffman, returned with Boiderai.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Captain J. H. DICKERSON,
Assistant Quartermaster, Army of Utah.

CAMP SCOTT, UTAH TERRITORY,
November 29, 1857.

SIR: I have the honor to report that the following is the amount of clothing on hand at this date. The list is taken from the unfinished proceedings of a board of survey, which completed the examination of the amount on hand to-day. I have only time to furnish the list as given by the board of survey, without arranging it in proper form:

190 uniform infantry caps.
370 uniform cavalry hats.
307 uniform cap covers.
94 uniform cap covers and capes.
400 uniform cap pompons, eagles, and rings.
930 uniform infantry coats, (privates.)
8 uniform infantry coats, (musicians.)
29 uniform cavalry jackets, (privates.)
7 uniform cavalry jackets, (musicians.)
32 pairs of sergeants' metallic scales.
108 pairs of privates' metallic scales.
1,392 pairs of privates' metallic scales.
8 sashes.
2,562 uniform trousers, (foot.)
600 uniform trousers, (mounted.)
520 uniform fatigue jackets.
3,905 flannel shirts.
3,290 pairs of drawers.
675 pairs of boots.
148 pairs of bootees.
600 pairs of stockings.
1,190 leather stocks.
588 great coats, (foot.)
20 great coats, (mounted.)
68 great coats, (mounted.)
723 blankets.

3,150 bedsacks, single.
16 pairs uniform sergeants' chevrons, (infantry.)
16 pairs uniform corporals' chevrons, (infantry.)
6 pairs uniform sergeants' chevrons, (cavalry.)
6 pairs uniform corporals' chevrons, (cavalry.)
39 Sibley tents.
6 Sibley tent poles.
12 Sibley tent poles, without tripods.
12 Sibley tent poles, without tripods.
31 hospital tents.
28 hospital tent flies.
452 haversacks.
160 mess pans.
403 tent pins.
93 camp kettles.
23 Sibley stoves.
24 sets hospital tent poles.
5 Sibley tent poles, complete.
638 hospital tent pins, (large.)
1,015 hospital tent pins, (small.)
23 tripods to Sibley tent poles.

Very respectfully, your obedient servant,

JNO. H. DICKERSON,
Captain and Assistant Quartermaster.

Major General THOMAS S. JESUP,
Quartermaster General, United States Army.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., November 30, 1857.

SIR: Special orders No. 41, of the 4th instant, direct your advance to this army, and my letter of the 13th instant expressed the intention of the colonel commanding to have examined, by one or more reliable persons, the route which may enable you to arrive at the earliest date with your animals in a condition for further and immediate service. Jeanise and Mr. Bartleson have been charged with this duty, and are directed to report the result of their observations to you. You know what confidence to place in the opinion of Jeanise; that of Mr. Bartleson, experienced in conducting ox trains, will materially aid you in forming an opinion of the practicability of the route. Mr. Bartleson is a man of intelligence and trustworthy. As soon as you decide which route to move upon, the colonel commanding directs you to dispatch Boiderai (one of this party) with a report of their examination and of your decision, and other information you may have to communicate to him.

All the subsistence of this army at your post is needed at the earliest date practicable. (I enclose a list of what should be with you.) Shoes and stockings in large amount, 500 knapsacks and 2,000 caps will form part of the necessary supplies; the first two are now wanted.

You will not encumber yourself with other articles, which, for want of transportation will have to be stored here.

Fifty-three horses were left by the 2d dragoons at your post. If serviceable when you leave, they and all serviceable mules at Fort Laramie not needed for post purposes will be *driven* with you to this point, employing herdsmen if necessary, while the dragoons left at your post will form an escort.

The colonel commanding, consulting the comfort and convenience of the women and children left at Fort Laramie, as well as the interests of the service, further enjoins it upon you not to permit any of them to leave your post, where they should be well provided for, to come with you. Want of transportation will preclude all possibility of their advancing, while here they will be left shelterless and comfortless. It will be well to leave their husbands with them; they can all join at a future period, when they will not be subjected to suffering.

The colonel commanding wishes to be informed by the return messenger of the amount of clothing and other supplies at your post for this army, and also directs all official letters and orders directing the movement of troops to be acknowledged by the first opportunity.

I am, sir, very respectfully, your obedient servant,

F. J. PORTER,
Assistant Adjutant General.

Bvt. Lieut. Col. WILLIAM HOFFMAN,
6th Infantry, Comd'g Fort Laramie, U. T.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, Black's Fork of Green river, Dec. 13, 1857.

MAJOR: I have the honor to report that two additional companies of voluteers have been mustered into the service of the United States for *nine* (9) months, making in all a battalion of four companies of men for nine months, (with a few exceptions in Captain McGraw's company,) numbering in the aggregate three hundred and twenty-five; a term of six months would be without utility, as, in that case, the men would be entitled to their discharge in the midst of active operations. A term of twelve months was objectionable, as it would bring the period of discharge at so late a season as to make it impracticable for the men to return to their homes.

They have been organized into a battalion, and having unanimously elected Captain B. E. Bee, tenth infantry, to command, with the rank of lieutenant colonel, I have directed him to be placed in command of the battalion, with the grade which was thus voluntarily conferred upon him.

The peculiar circumstances attending the organization of this battalion have prevented the formalities prescribed by law from being observed.

The first company, McGraw's, was received near South Pass, Nebraska Territory. These men were needed immediately to aid in

protecting the supplies for the army, and the urgency did not allow the time for asking authority for their employment, nor to make the requisition upon the proper civil officers.

Not doubting that additional force will be wanting in the spring, and knowing that a large portion of the employés of the contractors and others could not return to their homes this winter, and that they must be subsisted by the government, as there is no other source from which they can obtain food, I did not hesitate to authorize the organization of three other companies of volunteers, and order them to be mustered into the service of the United States.

By this means I have secured to the government the services of a body of men who will be well instructed and disciplined, and who, when required, can render efficient service. In this case, also, from our remoteness from general headquarters, I was obliged to act without reference to the authority of the general-in-chief; and if I had obtained it, no call could have been made, as a state of rebellion was existing, and still exists, in the Territory. Muster-rolls of the several companies have been forwarded, as required by regulations.

The sanction of the general-in-chief to the employment of these men who have thus bound themselves to serve their country is necessary to secure their rights. I have for that reason, as well as on my own account, to request his approval of my acceptance of their services; and, also, that he will recommend to Congress to provide at an early day by an appropriation for their payment. They are mustered in with the pay and allowances of infantry.

I learn from an examination of the post return of Fort Laramie that the commander of that post, Lieutenant Colonel Hoffman, has been ordered to Fort Leavenworth on a general court-martial by an order from the headquarters of the department of the west.

I send herewith copies of orders transmitted to Colonel Hoffman, who I believed to be in command of that post, and who I thought could not be relieved from his command by any authority but my own, except that of the general-in-chief or Secretary of War, which will acquaint you with the anxiety I feel for the certain and safe transit of supplies for the army in the spring, and how much his experience on this frontier and energy was relied upon to prevent any delay or disappointment in forwarding them. I have to request that Colonel Hoffman may be relieved from any duty he may be engaged in, by virtue of orders from the department of the west, and that he may be ordered to repair *immediately* to Fort Laramie to put in progress the execution of orders for bringing forward supplies for the army of Utah, which were transmitted to him as commander thereof. I also request that, if additional force or transportation in his opinion may be necessary, he may be authorized to call for whatever may be needed.

The troops are in good health, and very comfortable in their winter quarters.

I have found it necessary to reduce the *flour part of the ration* to thirteen ounces, and have ordered it to be baked at the expense of the government, and the whole proceeds of the flour, after baking it, to be issued to the men; in this way they will receive about the usual

amount of bread; but they will be deprived of the improvement of their bill of fare arising out of the company fund. In this case there can be none. As a matter of equity, I request that the commissary of subsistence, after deducting the expense of baking, be required to pay to each company the value of the five ounces now necessarily withheld by the government.

With great respect, your obedient servant,

A. S. JOHNSTON,
Col. 2d Calvary, Com'g Army of Utah.

Major I. McDOWELL,
Ass't Adj't Gen., Headq'rs of the Army, N. Y. City.

EXECUTIVE DEPARTMENT,
Great Salt Lake City, U. T., November 26, 1857.

SIR: Being reliably informed that your command, and the men belonging to the merchant trains, are much in need of salt, I have taken the liberty to at once forward you a load (some eight hundred pounds) by Messrs. Henry Woodard and Jesse J. Earl. You are perfectly welcome to the salt now sent; but should you prefer making any compensation therefor, I have to request that you inform me, under sealed envelope, of weight received and the amount and kind of compensation returned. There is no design or wish to spy out your position, movements, or intentions, through the men now sent to your camp; but should you entertain any dubiety upon that point, you are at perfect liberty to stop and detain them outside your encampment, during the short time necessary for the delivery of their loading, in readiness to forthwith start upon their return.

Should any in your command be suspicious that the salt now forwarded contains any deleterious ingredients other than those combined in its natural deposition on the shore of Great Salt Lake, Mr. Woodard or Mr. Earl, in charge of its transportation and delivery, or doubtless Mr. Livingston, Mr. Gerrish, Mr. Perry, or any other person in your camp that is acquainted with us, will freely partake of it to dispel any groundless suspicions, or your doctors may be able to test it to your satisfaction.

I have to inform you that the demonstrations which have been made upon your animals and trains have been made solely with a view to let you emphatically understand that we are in earnest when we assert, freemen like, that we will not tamely submit to any longer having our constitutional and inalienable rights trampled under foot. And, if you are now within our borders by the orders of the President of the United States, (of which I have no official notification,) I have further to inform you that, by ordering you here upon pretexts solely founded upon lies, all of which have long since been exploded, the President has no more regard for the Constitution and laws of the United States, and the welfare of her loyal citizens, than he has for the constitution, laws, and subjects of the kingdom of Belzebub.

Of the persons reported to be retained by you as prisoners, the two who are said to have hailed from Oregon are entire strangers to us;

Mr. Grow, on his way here from the States, is probably treated by you in a reasonably humane manner, for which you have my thanks, as it saves us the expense of his board; and if you imagine that keeping, mistreating, or killing Mr. Stowell will redound to your credit or advantage, future experience may add to the stock of your better judgment.

Colonel Alexander, I am informed that among the mules that have come into our settlements is a small white one belonging to you, and a favorite of yours. The mule in question arrived in poor condition, and, learning that it was a favorite with you, it gives me pleasure to inform you that I immediately caused the mule to be placed in my stables, where it is well fed and cared for, and is held subject to your order; but should you prefer leaving it in my care during the winter, it will probably be in better plight for your use upon your return to the east in the spring.

Trusting that the bearers of a welcome and frankly proffered gift will be courteously received, and permitted, with their animals and wagon, to peaceably start upon their immediate return, I have the honor to remain, very respectfully, your obedient servant,

BRIGHAM YOUNG,
Governor of Utah Territory.

Col. A. S. JOHNSTON,
United States Army,
If he has arrived on Black's Fork, or

Col. B. C. ALEXANDER,
United States Army.

IN CAMP, *Nov.* 30, 1857.

SIR: Enclosed to me came this day a letter from Gov. Young, for you or Col. Alexander, accompanied by a load of salt, also destined for your camp, with directions for me to retain it if I thought it advisable; but preferring to have it forwarded to you, if the condition of the road would allow, with a view of gratifying the wishes of the governor, and as the wagon cannot proceed further, I have taken pleasure, though in the midst of a furious snow storm, in fitting up Messrs. Earl and Woodard with packs and additional men and animals, in order to ensure its safe delivery. The men I send are Wm. Carloss, Robert Willson, John Carloss and Franklin Stanley, for all of whom I ask the courtesies, as requested by his Excellency Gov. Young, for Messrs. Earl and Woodard, as these are only sent to aid in the performance of the duty which has been assigned to them. I also send you one copy of the Deseret News, which, though somewhat worn, is the latest received by me.

I am, very respectfully,

DANIEL U. WELLS,
Lieut Gen. Commanding Nauvoo Legion.

Col. A. S. JOHNSTON, *U. S. A.*

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., December 7, 1857.

SIR: Before arriving in this Territory, I accepted the services of a company of volunteers, and invited all American citizens unemployed to enroll themselves in companies of the legal standard. Your absence prevented a call upon you for the militia of the Territory, in conformity to law, while the rebellion of him who was governor for the time being debarred all appeal to that source. From the power invested in me, as commander of an army in the field, and from circumstances and necessity of the case, I accepted the services of three other companies of volunteers. I have asked of the government the confirmation of my course, and that appropriations may be made for their pay and other incidental expenses; but as your action may be necessary to insure full justice to this body of patriotic citizens, I respectfully call your attention to the subject, and invite such action as may be necessary.

Since your arrival, and the enrolment of these companies, the importance of having a commander cognizant of the rules of service, and capable of imparting that instruction which will render them serviceable to government and creditable to themselves, is fully appreciated, and I doubt not will be by you; and I have the honor to request that a commission may be conferred by you upon whomsoever they may elect as their commander.

With great respect, your obedient servant,
A. S. JOHNSTON,
Col. 2d Cavalry, commanding.

His Excellency ALFRED CUMMING,
Governor of Utah Territory.

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., December 7, 1857.

SIR: I have been personally informed by the captains of the four companies of volunteers enrolled in the military service of the United States of the unanimous election, by the members of their companies, of Captain Barnard E. Bee, 10th regiment of infantry, as their commander, and as a lieutenant colonel.

The command, you are well aware, is that of the rank to which Captain Bee is elected, a rank which the importance of the command renders desirable should be exercised, but which cannot carry its full weight without the commission conferred by you. That the officer chosen is eminently worthy of the position, his past services speak, and warrant a fulfillment of its duties to the satisfaction of government. I have the honor, therefore, to request that he may be appointed, and, at your convenience, commissioned. In the mean time, I wish to be authorized to use your name, as expressed in the accompanying order.

With great respect, your obedient servant,
A. S. JOHNSTON,
Colonel 2d Cavalry, commanding.

His Excellency ALFRED CUMMING,
Governor of Utah Territory.

CAMP SCOTT, *Utah Territory.*

SIR: Your several communications of the 7th instant, referring to your acceptance of the services of companies of volunteers, accompanied by general orders No. 17, were placed in my hands by Major F. J. Porter, assistant adjutant general.

After a careful examination of the statutes of this Territory, I am compelled to decline making the appointment of a lieutenant colonel, to command the volunteer battalion.

Very respectfully, your obedient servant,
A. CUMMING,
Governor Utah Territory.

Col. A. S. JOHNSTON, *Commanding Army of Utah.*

CAMP SCOTT, *U. T., December* 8, 1857.

SIR: I have this day commissioned Captain Barnard E. Bee, 10th infantry, one of my aides-de-camp, with the rank of lieutenant colonel, in which capacity you will please recognize him.

Very respectfully, your obedient servant,
A. CUMMING,
Governor of Utah.

Col. A. S. JOHNSTON, *Commanding Army of Utah.*

HEADQUARTERS ARMY OF UTAH,
Camp Scott, U. T., December 13, 1857.

SIR: The colonel commanding directs that, in anticipation of Brevet Lieutenant Colonel Hoffman's return to Fort Laramie in February, you put in progress the arrangements necessary to fulfil the orders and instructions relating to supplies for this army, issued November 4, 13, and 30, from these headquarters to him, as commanding Fort Laramie.

Should Brevet Lieutenant Colonel Hoffman not arrive in time to command the expedition, you will assign Brevet Major Gatlin to it, and direct him to carry into effect the instructions and orders referred to, until relieved by Colonel Hoffman.

The colonel commanding directs you to select four of the mounted howitzers and carriages, and a full supply of ammunition for them, and forward them, equipped with harness, &c., if practicable, with trains escorted by the command.

I am, sir, very respectfully, your obedient servant,
F. J. PORTER,
Assistant Adjutant General.

Major J. LYNDE, *or commanding officer Fort Laramie, N. T.*

DEPARTMENT OF THE INTERIOR,
Washington, February 22, 1858.

SIR: The resolution of the House of Representatives of the United States, adopted on the 27th ultimo, requesting the President, "if not incompatible with the public interest, to communicate to the House the information which gave rise to the military expedition ordered to Utah Territory," &c., &c., having been transmitted to this department through the Secretary of State, I have the honor to submit to you herewith a copy of the report of the Commissioner of the General Land Office, of the 3d instant, with the accompanying papers, and also a copy of the report of the Acting Commissioner of Indian Affairs, of the 22d instant, and accompanying papers, which comprise all the correspondence and information on the files of this department within the purview of the resolution.

I have the honor to be, very respectfully, your obedient servant,
J. THOMPSON,
Secretary.

The PRESIDENT OF THE UNITED STATES.

GENERAL LAND OFFICE,
February 3, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, in which was enclosed a resolution of the House of Representatives, passed on the 27th ultimo, calling upon the President for the information which gave rise to the military expeditions ordered to Utah Territory, and a request made upon this office for the preparation of copies of all papers and records in its possession, which furnish information within the purview of this resolution. In reply thereto, I have the honor to inclose to you seven papers pertaining to the subject, as follows:

No. 1, marked A, is a copy of a letter from David H. Burr, surveyor general of Utah, dated August 30, 1856, giving information of a murderous assault committed upon one of his deputies by the Mormons, and including a letter from Deputy Surveyor C. L. Craig, speaking of the efforts of the Mormons to prejudice the Indians against the authorities and people of the United States.

No. 2, marked B, is a copy of a letter from the same officer, dated September 20, 1856, representing a depredation committed upon the property of Deputy Surveyor Charles Mogo by a person supposed to be high in the councils of the Mormon church, and expressing the opinion that there is no safety for life or property under the Mormon rule, except where persons belong to that sect.

No. 3, marked C, is a copy of a letter from the same officer, stating that the clerk of the United States supreme court, the acting district attorney, and territorial marshal of Utah, claimed the country as theirs, and asserted the right to appropriate the public lands to their use.

No. 4, marked D, is a copy of a letter from the same gentleman,

dated March 28, 1857, stating that the Mormons utterly repudiate the authorities of the United States in their country, and that they are in open rebellion against the general government, and relating the threats made against his office, and some outrages of their perpetrating.

No. 5, marked E, is a copy of a letter from the same officer, dated June 11, 1857, giving his reasons for leaving the Territory, and repeating the statements in his letter of February 5, that the Mormons claimed the Territory as their own, and regarded the officers of the United States surveying service as mere trespassers.

No. 6, marked F, is a copy of a letter, dated October 19, 1857, from the same gentleman, repeating his reasons for leaving the Territory, and enclosing a letter from C. G. Landon, former clerk in the surveyor general's office, giving an account of the outrages committed by the Mormons upon a colleague of his, named Wilson, and narrating the means he (Landon) adopted for making his escape.

No. 7, marked G, is a copy of a letter addressed to the Hon. Geo. C. Whiting, Acting Commissioner of the General Land Office, on the 30th October, 1855, enclosing a blank form of a deed of trust which the Mormon church uses in requiring its members to convey to it their possessions, not only in the city, but in the entire Territory.

The foregoing are all the papers in the possession of this office, which pertain to the existing rebellion in Utah Territory.

I have the honor to be your obedient servant,
THOS. A. HENDRICKS,
Commissioner.

Hon. JACOB THOMPSON,
Secretary of the Interior.

A.

SURVEYOR GENERAL'S OFFICE,
Great Salt Lake City, August, 30, 1856.

SIR: I have the unpleasant duty of informing you that one of my deputies, Mr. Troskolawski, was assaulted and severely beaten a few days ago by three men under the direction of one Hickman, a noted member of the so-called "Danite Band." Mr. Troskolawski was acquainted with Hickman, and they met at the store of Messrs. Hooper & Williams, a few moments previous, and conversed in a friendly manner, and no suspicion was excited in the mind of any one that Hickman had aught against Mr. T. The other three were entire strangers to him. When he left the store, in the dusk of the evening, they followed and knocked him down, then kicked him, and beat him with the butt end of a loaded horsewhip, Hickman assisting and urging them on to "kill the damned rascal." Messrs. Hooper and Williams interfered and prevented them from carrying out their designs.

Hickman asserted that he had high authority for his acts, and subsequent events have confirmed me in the impression that he only obeyed counsel. The authorities refused or declined to institute crim-

inal proceedings against the offenders; on the contrary, they justified the act on the ground that he had been talking and railing against their religion. We, "the Gentiles," all feel that we cannot rely upon the laws for protection, and are only permitted to live here at the pleasure of the rulers. I think the attack was made upon Mr. Troskolawski, in order to produce a salutary effect upon us "Gentiles," and make us afraid to express our opinions.

Mr. Troskolawski was so badly injured, that for several days his life was despaired of. He is slowly recovering, but probably will never entirely recover from its effects. I also send herewith enclosed a copy of a letter from Deputy Surveyor C. L. Craig, which will give you some idea of the feeling of this people towards us.

I am, very respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah.

Hon. THOMAS A. HENDRICKS,
Commissioner of General Land Office.

Copy of the letter of Deputy Surveyor C. L. Craig, above alluded to.

CAMP IN YOUAB VALLEY,
August 1, 1856.

DEAR SIR: From information derived from the Indian interpreter, who resides on the farm reservation near this place, it appears that the Mormons endeavor to create a prejudice in the minds of the Indians, not only against the Americans, (as they term us who are not Mormons,) but also against the surveyors. The interpreter informed us that several chiefs had been to him inquiring as to certain stories which the Mormons had told them concerning our operations. They said they were told we were measuring out the land in order to take possession of it, and would drive away the Mormons and kill the Indians. The Indians said they did not believe these stories, for the Mormons talked double; that they had come to ascertain the *true* reason of our proceedings. Some of them also visited my camp, and told me that the Mormons represented to them that the Americans were poorer than the Mormons, and had nothing to give them; but said "they knew the Mormons lied in this, for all the Americans they met with had plenty to eat and plenty of presents, which they often shared with the Indians, and that it was the Americans that were making a farm and raising grain to feed them in winter."

Arapeen, a noted chief of the Ute nation, who has been baptised in the church, said to me, afterwards, that he "had been told by Mormons, in Salt Lake City, that we intended, after surveying the lands, to put the Indians in chains, and drive off the Mormons." These facts, given to us by the Indians themselves, confirm a suspicion which I have had respecting the policy which the Mormons have been pursuing in regard to the Indians, which is, that they have been endeavoring in every possible way to establish a difference between *Mormons* and *Americans*, to prejudice them against the latter. Although these designs have been in some degree prevented by the unceasing efforts of the efficient Indain agent, Doctor Hunt, who has endeavored to counteract the impression in the minds of the Indians that there is any existing difference between us, yet I have been credibly informed that among those Indians more remote from the settlements the difference has been established to a degree which may prove prejudicial to the surveying operations in those districts. I made it a rule, when they visited my camp, to feed them, treat them kindly, and make them some presents, and tell them "we are all one people."

Notwithstanding the suggestions made in the *Deseret News* to the settlers, that they should prosecute the surveyors in their courts for trespass upon their lands, we have hitherto met with no difficulty with them. I have always apprised them of our business and instructions given by you to deputy surveyors, which instructions I have strictly adhered to, yet I had a writ served upon me the other day, issued by the mayor of Payson City, (a small settlement containing some two hundred and fifty inhabitants,) to answer a charge for damages incurred by running a line across their fields. I declined to appear, and took no notice of it, and have not learned anything further about it. My work has progressed in a satisfactory manner so far, and I am pushing it on as fast as possible, consistently with that accuracy which is required. I hope to be able to make returns of my work in the early part of next month.

I am, very respectfully, yours, &c.,

C. L. CRAIG.

DAVID H. BURR, Esq.,
Surveyor General of Utah.

B.

SURVEYOR GENERAL'S OFFICE,
Salt Lake City, September 20, 1856.

SIR: I have made a contract with Charles Mogo for surveying San Pete valley and the remainder of Youab valley, and he is at present engaged on the work. * * * * * * * *

Mr. Mogo had made all his preparations for leaving the city to commence his work. The night previous to his intended departure ten of his oxen were stolen from the pasture. He spent several days in fruitless search for them, and then was compelled to buy others. He had all of his cattle in the same pasture, but as some of them had another man's brand on them, they were supposed not to belong to him, and consequently were not taken. Suspicion falls upon a noted character who stands high in the councils of the church; but to convict or punish him would be impossible, and it is but another evidence that the laws here afford no protection to life or property. Two persons acknowledge having seen some men driving off the cattle, but refuse

to say who they were, knowing full well that their lives would not be safe if they did so.

I am, very respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah.

Hon. THOS. A. HENDRICKS,
Commissioner of the General Land Office, Washington.

C.

SURVEYOR GENERAL'S OFFICE,
Salt Lake City, February 5, 1857.

SIR: About two weeks since I was called upon by Mr. Cumming, the clerk of the United States supreme court for this Territory, Mr. Stout, the acting district attorney, and Mr. McRay, the territorial marshal. They presented a copy of my letter to the department, of the 12th May, 1856, in which I notified the department of certain trespasses on the public lands.

They asked very peremptorily if I wrote the letter. I told them I did. They did not deny the truth of the charges I had made, but asserted *the right* of doing what they did, stating that *the country was theirs*, that they would not permit this interference with their rights, and this writing letters about them would be put a stop to; that "I need not think I could write without their knowing it; that I could not send letters down in "cracker sacks" without their finding them; and if I employed persons to carry them, I had better employ those who would not betray me, &c." The object of the visit I could not divine, unless it was to intimidate me and prevent my writing.

I am, very respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah,

Hon. THOS. A. HENDRICKS,
Commissioner of General Land Office.

D.

SURVEYOR GENERAL'S OFFICE,
Salt Lake City, March 28, 1857.

SIR: In your letter of 17th of last October, which I received a few days since, you refer me to the act of 1830 for the remedy against the opposition that may be made to United States deputy surveyors in the progress of their work. I hope there will be no serious interference or interruption to the surveyors; should there *be*, that law will afford no relief, as there is no tribunal here to enforce it. The United States courts have been broken up and driven from the Territory, and the

Utah courts, with their usurped power, will not recognize the United States laws, and scarcely their own, when they conflict with their schemes.

Judge Stiles, the only United States judge remaining here, intends trying to make his escape from the Territory as soon as it is possible to get over the mountains, but he fears attempts will be made to "cut him off." Knowing that our correspondence through the mails was examined, he has been afraid to write an account of affairs here, but intends reporting in person if he can get away. *The fact is, these people repudiate the authority of the United States in this country, and are in open rebellion against the general government.* I have sent all of my letters, excepting those relating purely to business matters, by private hands, and believe that most of them have gone through without being opened. Brigham Young has declared openly that the surveyors shall not be suffered to trespass on *their* lands as they did the last season, and threats are frequently made that any party attempting to survey will be "cut off." In their public meetings the Mormons have been told not to engage in the service of the surveyors, for they would be destroyed. They have hitherto failed in their endeavors to excite the Indians against us, and we think will not succeed hereafter. We have from the beginning had no fear except from the Mormons.

So strong have been my apprehensions of danger to the surveyors, that I scarcely deemed it prudent to send any out; but Mr. Mogo, anxious to be at work, concluded he would venture to make the attempt. He took twenty-seven men with him, all well armed. Reports are already coming here that the party have been cut off, but I am satisfied that the reports are at least premature. If he is vigilant, with the force he has, I think he may avoid an attack.

For the last three months my friends have considered my life in danger. I have been cursed and denounced in their public meetings, and the most diabolical threats made against me. I have remained at my post, partly to protect the office, but more for the reason that I have been hemmed in by the mountains of snow, and could not get away. Several houses of "apostate Mormons" have been pulled down, and at one time an attack was contemplated on the office, to destroy its contents and "wipe me out." I got notice of it in time, and kept well guarded. Several friends volunteered to protect me. I had five or six men in the office for nearly four weeks, and have not had less than three any time this winter. The Mormons, knowing we were prepared for defence, hesitated to make an attack, and we have thus far escaped. Affairs are rather more quiet now.

We are all, "Gentiles" and Mormons, waiting the arrival of the next mail from the States with much anxiety. If it should bring us no tidings or assurance of protection from the United States, every "Gentile" officer may be compelled to leave the Territory. We find our position a critical one. We are by no means sure that we would be permitted to leave, for it is boldly asserted we would not get away alive. The same threats have been made against disaffected Mormons. We were inclined to think them idle menaces, until a few days since, when three men were killed at Springville, sixty miles

from this place, for making the attempt. They were shot, *their throats cut, and their bowels ripped open.* Another party were fired upon, and three of them wounded, one of them seriously. These outrages are perpetrated by Mormons, and we have every reason to believe by the orders of Brigham Young. No efforts are made by the authorities to bring the perpetrators to justice.

I am, very respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah.

Hon. THOMAS A. HENDRICKS,
Commissioner of the General Land Office.

E.

WASHINGTON, *June* 11, 1857.

SIR: Having become satisfied that it was no longer safe for me to remain in Utah, without the special protection of the general government, I determined to leave; and it becomes my duty to state to the department the causes which impelled me to do so.

In common with all who do not belong to the Mormon church, I had, from my first advent among them, been looked upon by the rulers of that church and people as an alien, an enemy, and an intruder upon their rights. But while they looked upon my operations there with no friendly eye, and through their newspapers advised the people to commence suits against the suveyors for trespass upon *their* lands, no open hostility was evinced against me personally, until last February, when a copy of a letter which I had addressed to the department in the month of July preceding, charging Brigham Young with extensive depredatious upon the public lands, was received there.

This accusation against the head of the church provoked their special displeasure, and I was waited upon by three prominent men, namely: Hozen Stout, acting United States district attorney; James Cummings, clerk of the United States district court, and Alexander McRay, the territorial marshal, who, after demanding whether I had written such a letter, and receiving a categorical answer that I did, told me, in the most peremptory manner, that I would not be permitted to write such letters, declaring that all my letters would be examined; and if adverse to their views and interests, should never leave the Territory, saying that I could not send them out clandestinely, for they would prevent every effort I might make to do so. These threats were accompanied by asseverations that the country, and all that appertained to it, belongs to them; that their exertions had made it what it was; that they had earned it, and were determined to keep it, and would permit no interference with their rights. From that time forward continued attempts were made to excite the populace against me. Demonstrations of mob violence and inflammatory appeals by the leaders to the worst feelings of the people were frequently made, and I was repeatedly warned by friends that my life was in imminent danger, and they advised me to seek safety in flight.

A concerted scheme to mob me and destroy the office in the night was concocted, and only failed to be executed by dissensions among the leaders of the "Danites."

Unwilling to abandon my post, I remained until I saw that the laws and authority of the United States had been set aside and repudiated, the federal courts broken up, and the judges and other officers thereof prevented from exercising their functions, and they had, with nearly all the "Gentiles," determined to leave the Territory. I hold myself ready to return to my post as soon as I can do so with safety.

Respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah.

Hon. THOS. A. HENDRICKS,
Commissioner General Land Office.

F.

WASHINGTON, *October* 19, 1857.

SIR: I have heretofore apprised the department that fears for my personal safety compelled me to leave Utah Territory in order to seek protection from the general government.

The following accounts make me apprehensive that the office of the surveyor general may have been destroyed by order of Brigham Young. When I left I thought the hostility of the Mormon leaders was directed against *me* only, and that neither the office nor the clerks would be molested during my absence; but it appears I was mistaken. Some Californians, who passed through Salt Lake City the latter part of July, reported that, while there, the Mormons went in the night to the surveyor general's office, broke it open, and took out Mr. Wilson, one of the clerks, put a rope around his neck and a pistol to his head, and, under threats of his life, made him answer questions, (the nature of the questions I did not learn,) and released him only on a promise that he would bring Mr. Mogo, one of the deputy surveyors, to them the next day. They went after Mr. Landon (the other clerk) at the same time, but he, by jumping out of a second story window, made his escape, and it was rumored that he had gone south, and had been killed.

The Californians left the next morning, and did not know how the matter ended. Mr. Mogo, fearing for his life, left immediately with them, and came as far as Laramie.

This account is corroborated by the accompanying letter just received from Mr. Landon.

Very respectfully, your obedient servant,

DAVID H. BURR.

Hon. THOS A. HENDRICKS,
Commissioner of General Land Office.

PLACERVILLE, CALIFORNIA,
September 18, 1857.

DEAR SIR: I embrace the earliest opportunity after my arrival here of transmitting you a few facts that may be of some interest, if not of importance. I reached here on Saturday, the 12th instant, weary, worn, footsore, and nearly famished, having walked nearly all the way from Salt Lake City barefooted and nearly naked; but I will confine myself to the statement of a few facts for the present, and the next mail you may expect my deposition in due form, giving the particulars of of the Mormon doings and some of their intentions.

On Saturday, the 25th of July, while engaged in conversation with some emigrants, I was assaulted by a posse of Mormons, headed by Dick Pettit and —— Thompson, who beat me with stones and clubs most unmercifully. The emigrants were about to rally to my protection and assistance, but I dissuaded them from their purpose, telling them that it would only result in the destruction of them all. I made my way home, and by the time I reached there I was perfectly insensible. I was then living next door to the office. Matters were quiet enough until Monday, with the exception that they (Mormons) made an attempt the same afternoon to stone Mr. Mogo, who was coming to the office. He had to retreat in a store. On Monday night, the 27th July, about midnight, I being awake, trying to soothe the many pains of the wounds that the Mormons had inflicted upon me, I was startled by hard knocking at the front and back door of the office. I heard Mr. Wilson ask from the window above what was wanted. They demanded that he should come down and give himself up, by the authority of Brigham Young. The next I heard was a crash, the door being burst open, and Mr. Wilson in conversation with them. Amid the shrieks and cries of his wife, begging them not to take him away, they brutally telling her to keep her mouth shut and stop her noise, or they would would make her. I heard Mr. Wilson ask where they were going to take him, and what for? The answer was, "come along, and no fuss, or we'll d—n soon show you." I was almost powerless from my wounds, and could form no idea what to do. I was trying to think, when suddenly my back door was forced open, and in rushed a party of ruffians and assassins. Among them I was able to distinguish the voices of Pettit and Thompson, who demanded that I should come down stairs. I arose and put on my pants and one stocking, when the thought struck me that, if they secured us both, we would surely be murdered. I resolved to try my best to escape, and cautiously took out the window sash, when Pettit called me to make haste and come down. I told them I was coming; they made a rush for the stairs. As they did so, I jumped out of the window and escaped to the house of a friend, where I remained until daylight. Having procured a disguise, the next evening I travelled along the banks of the Jordan and Salt Lake until daylight, when I struck for the mountains. I had not more than reached a place of concealment, when I saw seven mounted men in pursuit of me. I escaped narrowly twice. Once, near Weber cañon, they came within ten feet of me. They followed me to Willow creek, where the Indians were levying a tax of a

blanket and shirt on every emigrant. My pursuers were heard to say, "let him go, the Indians will get him before he goes far down the Humboldt."

The Indians have got many a poor fellow on that river this summer. Men, women, and children, have been slaughtered by wholesale. One woman was scalped alive, and her child's brains knocked out over the wagon wheel. The woman is still living. I could tell a dozen such instances, but have not time. I saw on the road the Indian Peter who used to come to the office. He told me that Brigham Young had sent him out to get pungo (horses) and carabines (guns.) He knew me, and said I was wano, (good,) because I had often given him biscope, red paint, &c. He said "there were heap Indians on the Humboldt, got heap pungos, heap carbines," &c. I had not left him an hour before he shot a man with four balls, but the man escaped not much injured. I cannot recount the sufferings I endured while on the road. I travelled from Carson Valley here with but two biscuits to eat, and now I am working in a stone quarry, nearly naked and barefooted, for very little more than my food.

The Mormons are all leaving here and Carson Valley for the purpose of defending Zion.

Your humble servant,

DAVID H. BURR, Esq. C. G. LANDON.

G.

SURVEYOR GENERAL'S OFFICE,
Salt Lake City, September 30, 1855.

SIR: The accompanying map of Salt Lake City exhibits the extent to which the streets have been opened and the ground built upon. The corporate limits extend several miles each way, but there are very few dwellings outside of the lines exhibited on the map. The outlots are used by residents in the city for agricultural purposes.

The Mormon church has called upon its members (and they embrace almost the entire population) to *convey to it* their possessions. I send herewith a blank form of a deed of trust used in such conveyances. Many, if not most, of the people have yielded to the requirement, and it is expected that nearly all of them will do it. This call embraces not only the city property, but that of the entire Territory.

The provisions of "An act for the relief of the citizens of towns on the lands of the United States," &c., passed May 23, 1844, will not meet the exigencies of the case in this city. It will be seen that the city proper occupies more than three full sections. Therefore, if the government should deem it expedient to give the residents (who have not surrendered their possessions to the church) the right of pre-emption to the lots they occupy, some special legislation will be necessary.

I have the honor to be, most respectfully, your obedient servant,

DAVID H. BURR,
Surveyor General of Utah.

Hon. G. C. WHITING,
Acting Commissioner General Land Office.

Be it known by these presents, that ———, of ———, in the county of ———, and Territory of Utah, for and in consideration of the good will which ——— have to the Church of Jesus Christ of Latter Day Saints, give and convey unto Brigham Young, trustee, in trust for said church, his successors in office, and assigns, all ——— claim to, and ownership of, the following described property, to wit:

together with all the rights, privileges, and appurtenances thereunto belonging or appertaining. ——— also covenant and agree that ——— is the lawful claimant and owner of said property, and will warrant and forever defend the same, unto the said trustee in trust, his successors in office, and assigns, against the claims of ———, heirs, assigns, or any person whomsoever.

Witnesses:

TERRITORY OF UTAH, *County of* ———.

I ———, of ———, certify that the signers of the above transfer, personally known to me, appeared this ——— day of ———, A. D. 185–, and acknowledged that ———, of ——— own choice, executed the foregoing transfer.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 22, 1858.

SIR: In obedience to your instructions of 30th January, to furnish you with copies of all papers on file in the Indian office which are embraced in the resolution of the House of Representatives, dated January 27, calling for information as to the Utah expedition, &c., I have the honor herewith to transmit to you the papers called for, and numbered in the accompanying schedule from No. 1 to No. 46. The correspondence being quite voluminous, I beg leave to invite your attention to its more prominent and pertinent parts.

As early as February 10, 1852, complaints reached this office against Governor Brigham Young and his followers, who are represented by Agent Holeman, in his letter marked No. 1, as encroaching upon "the Indians, and making settlements throughout the Territory on all the most valuable lands;" that it was generally believed that all the letters of the "Gentiles" were opened by the Mormon postmaster, and that Brigham Young "made use of his office as superintendent and of the money of the government to promote the interests of his church."

This statement was confirmed by the report of Sub-Agent H. R. Day, (marked No. 2,) who had left his post, and who gives the reasons for so doing in his letter, marked No. 3.

Agent Holeman, in his letter dated December 28, 1851, marked No. 4, being at that time the only government officer *not a Mormon* left in the Territory, relates a singular instance of how the Mormons went to the work of annoying him, with the view, no doubt, of inducing him to return to the States.

All the documents herewith presented, from No. 4 to No. 20, inclusive, covering the space of two years and a half, gradually develop the policy pursued by the Mormons, which aimed at the establishment of an independent Mormon empire.

To effect this they incited the Indians against the "Gentiles," arrogated the eminent domain over the Indian territory, over which the Indian title was not yet extinguished, and taxed the emigrants passing through Utah on their way to California and Oregon. For substantiation of these points, allow me to invite your attention especially to Nos. 6, 11, 13, and 17. If any doubts, however, had been entertained with regard to the truth of these statements, they were set at rest by Governor Young in his letter to this office, dated June 26, 1855, in which the following passage occurs: "I do not care a groat whether the department or the government ever contribute a penny towards the support of the Indian relations, for the suppression of Indian hostilities, or any other public purpose or object in or for the Territory of Utah."

As early as April 10, 1854, this office made a report (marked No. 17) to the department, requesting that immediate steps should be taken to separate the superintendency of Indian affairs for Utah from the office of governor of said Territory, which, however, was not effected until during the last session (the thirty-fourth) of Congress. In 1855 Colonel Steptoe was appointed governor and ex-officio superintendent of Indian affairs in Utah, but he never entered upon duty. In relation to this matter, I beg leave to invite your attention to Nos. 20½ and 20¾.

In May, 1855, information reached this office from Agent Hurt (No. 22) that the Mormons had resolved to send out a large number of missionaries to the Indians, with the intent to teach them that the Indians were the rightful owners of the American soil, that it had been wrongfully taken from them by the whites, and that the Great Spirit had sent the Mormons among them to help them recover their rights.

The letters marked Nos. 25, 26, and 27, written August 30 and October 31, 1856, respectively, show that these statements of Agent Hurt were not mere assertions.

No. 28 is a letter of Governor Young, dated September 12, 1857, which was replied to by this office (No. 29) on November 11, 1857.

The documents from Nos. 30 to 46, inclusive, show forth the measures taken by this office to meet the emergencies created by the treasonable designs of the deluded Mormons and their ambitious leaders, and display further outrages and indignities of these fanatical men against the government and its officers.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. JACOB THOMPSON,
Secretary of the Interior.

List of documents, numbered 1 *to* 46, *transmitted by the Acting Commissioner of Indian Affairs, in obedience to the direction of the Secretary of the Interior, dated January* 30, 1858, *to furnish copies of all papers on file in the Indian office, embraced in the resolution of the House of Representatives, dated January* 27, 1858, *requesting the President of the United States "to communicate to the House of Representatives the information which gave rise to the military expedition ordered to Utah Territory," &c., &c.*

1.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, November 28, 1851.
2.—Letter from Sub-Agent H. R. Day to Commissioner of Indian Affairs, dated Washington City, January, 2, 1852.
3.—Letter from Sub-Agent H. R. Day to Commissioner of Indian Affairs, dated Washington city, January 9, 1852.
4.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, December 28, 1851.
5.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, February 29, 1852.
6.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, March 29, 1852.
7.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, April 29, 1852.
8.—Letter from Agent J. H. Holeman to Governor Brigham Young, dated Great Salt Lake City, April 19, 1852.
9.—Letter from Sub-Agent H. R. Day to Commissioner of Indian Affairs, dated Washington city, June 2, 1852.
10.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, May 2, 1852.
11.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, May 8, 1852.
12.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, August 30, 1852.
13.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Fort Bridger, Utah Territory, November 3, 1852.
14.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Webber Station, March 5, 1853.
15.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, April 29, 1853.
16.—Letter from Agent J. H. Holeman to Commissioner of Indian Affairs, dated Great Salt Lake City, May 12, 1853.
17.—Report from Commissioner of Indian Affairs to Secretary of the Interior, dated April 10, 1854.
18.—Report from Acting Commissioner of Indian Affairs to Secretary of the Interior, dated September 15, 1854.
19.—Letter from Lieutenant H. B. Fleming to Commissioner of Indian Affairs, dated Fort Laramie, August 15, 1854.
20.—Letter from John M. Hockaday, esq., to Commissioner of Indian Affairs, dated Great Salt Lake City, June 17, 1854.

20½.—Report from Commissioner of Indian Affairs to Secretary of the Interior, dated March 21, 1855.
20¾.—Letter from Secretary of the Interior to Commissioner of Indian Affairs, dated March 22, 1855.
21.—Letter from Governor Brigham Young to Commissioner of Indian Affairs, dated Great Salt Lake City, June 26, 1855.
22.—Report from Acting Commissioner of Indian Affairs to Secretary of the Interior, dated July 10, 1855.
23.—Letter from Agent Garland Hurt to Commissioner of Indian Affairs, dated Great Salt Lake City, May 2, 1855.
24.—Memoranda for the Secretary of the Interior from Acting Commissioner of Indian Affairs, dated August 15, 1855.
24½.—Letter from Brevet Lieutenant Colonel E. J. Steptoe to Commissioner of Indian Affairs, dated Great Salt Lake City, April 5, 1855.
25.—Letter from Agent Garland Hurt to Commissioner of Indian Affairs, dated Great Salt Lake City, August 30, 1856.
26.—Letter from Agent Garland Hurt to Governor Brigham Young, dated Office of Indian Agent, Utah, October 31, 1856.
27.—Letter from Agent Garland Hurt to Commissioner of Indian Affairs, dated Great Salt Lake City, November 20, 1856.
28.—Letter from Governor Brigham Young to Commissioner of Indian Affairs, dated Great Salt Lake City, September 12, 1857.
29.—Letter from Commissioner of Indian Affairs to Governor Brigham Young, dated Washington city, November 11, 1857.
30.—Letter from Commissioner of Indian Affairs to Superintendent J. L. Collins, Santa Fé, dated November 24, 1857.
31.—Letter from Agent and Acting Superintendent S. M. Yost to Commissioner of Indian Affairs, dated Santa Fé, January 14, 1858.
32.—Report from Acting Commissioner of Indian Affairs to Secretary of the Interior, dated September 22, 1857.
33.—Letter from Agent Thomas S. Twiss to Commissioner of Indian Affairs, dated Agency of the Upper Platte, Raw Hide creek, July 13, 1857.
34.—Report from Commissioner of Indian Affairs to Secretary of the Interior, dated November 7, 1857.
35.—Letter from Superintendent John Haverty to Commissioner of Indian Affairs, dated St. Louis, November 2, 1857.
36.—Letter from Agent Thomas S. Twiss to Commissioner of Indian Affairs, dated Agency of the Upper Platte, Raw Ride creek, September 15, 1857.
37.—Letter from Secretary of the Interior to Commissioner of Indian Affairs, dated November 9, 1857.
38.—Letter from Commissioner of Indian Affairs to Superintendent John Haverty, dated November 11, 1857.
39.—Letter from Agent Thomas S. Twiss to Commissioner of Indian Affairs, dated Agency of the Upper Platte, Deer creek, November 7, 1857.
40.—Letter from Acting Commissioner of Indian Affairs to Agent Thomas S. Twiss, dated January 11, 1858.

41.—Letter from William Henry Forbes to Major W. J. Cullen, dated St. Paul, February 2, 1858.
42.—Letter from Superintendent J. Forney to Commissioner of Indian Affairs, dated Camp Scott, December 14, 1857.
43.—Letter from Agent Garland Hurt to Superintendent J. Forney, dated Fort Bridger, December 4, 1857.
44.—Letter from Agent Garland Hurt to Colonel A. S. Johnston, dated Camp on Sweet Water, October 24, 1857.
45.—Letter from Governor Brigham Young to Commissioner of Indian Affairs, dated Great Salt Lake City, October 7, 1857.
46.—Letter from Governor Brigham Young to Agent Garland Hurt, dated Great Salt Lake City, September 26, 1857.

Addenda.

47.—Letter from George W. Armstrong to Secretary of the Interior, dated City of Provo, December 1, 1857.
48.—Letter from Brigham Young to George W. Armstrong, dated Great Salt Lake City, October 16, 1857.

No. 1.

GREAT SALT LAKE CITY,
Utah Territory, November 28, 1851.

DEAR SIR: I have, according to instructions, made a report to his excellency Governor Young, *ex officio* superintendent of Indian affairs, in which I have given a statement of my accounts and transactions generally. But owing to a difficulty which occurred between the governor, Judge Brocchus, and other officers of government during my absence at Laramie, I did not think it prudent to touch on matters connected with the conduct of the governor, and the Mormons in general, in my report, as it had to pass through the hands of the governor. It was not, however, because I feared that anything I would state could or would be controverted by the governor, but because I feared that if I said anything which he might not like in my report that it would never reach you. The "Gentiles," as we are all called who do not belong to the Mormon church, have no confidence in the management of the post office here. It is believed by many that there is an examination of all letters coming and going, in order that they may ascertain what is said of them, and by whom it is said. This opinion is so strong, that all communications touching their character or conduct are either sent to Bridger or Laramie, there to be mailed. I send this communication, through a friend, to Laramie, to be there mailed for the States.

I alluded in my report to the necessity of adopting such measures by the general government as would protect the Indians in this Territory; they are becoming very much excited by the encroachments of the Mormons, as they are making settlements throughout the Territory on all the most valuable lands, extending these settlements for near three hundred miles from this city. In the first settlement of this city and the adjoining country by the Mormons, they at first conciliated the Indians by kind treatment; but when they once got a foothold, they began to *force their way*; the consequence was a war with the Indians, and in many instances, a most brutal butchery. This they fear will be the result wherever the Mormons may make a settlement. The Indians have been driven from their lands, and their hunting grounds destroyed, without any compensation therefor. They are in many instances reduced to a state of suffering bordering on starvation. In this situation some of the most daring and desperate, approach the settlements and demand compensation for their lands, when upon the slightest pretents they are shot down or driven to the mountains. These scenes frequently occur; but the other day an Indian was found dead in the vicinity of the city, shot through the body.

You will be informed, no doubt, by Judge Brocchus, Secretary Harris and others, officers of the government, who have lately returned from this city to the States, of the conduct and character of Governor Young, his treatment to them, &c. I was not here at the time; on my arrival in the city, I found the governor absent, on an expedition to the Indians, some 150 miles distant from the city. He had taken with him sub-Agent S. B. Rose, who is a Mormon, with several hundred dollars' worth of Indian goods as presents, for the purpose, no doubt, of conciliating the Indians and getting their permission to extend his settlements, thus making use of his office as superintendent, and the money of the government to promote the interest of his church. Therefore it seems to me that no Mormon should, officially, have anything to do with the Indians. I have no doubt but every effort will be made by the Mormons to prevent the government from peaceably extending her laws over the Territory. Since the departure of the judges, &c., they have levied additional taxes on all classes, of ten cents on the dollar on all description of property; this, it is thought, is for the purpose of preparing to resist the government.

I should be pleased to receive some instructions in relation to my duties here. I do not know how to act in many cases, and I fear that in acting from my judgment, I may transcend my powers, if I have not done so already. I think it would be advisable to hold a treaty with the Indians as soon as is convenient; they are generally friendly disposed towards the whites. A deputation of some of their principal men to visit the States would have a very good effect. They know nothing of the power of the government, or the number and manner of living of our people.

I fear you will think me extravagant in the expenditure of money, but I assure you things are quite different here from what they are in the States; every thing here is from three to five hundred per cent., consequently our living, although much more common, is very dear. It was the first attempt that had been made by the government to establish friendly relations with the Indians in this Territory, and I thought that a few dollars was a matter of no importance, when compared with the effect which would be produced upon their feelings by showing

them, that their "Great Father" would be good to them, if they would treat the whites with kindness, &c.

The Indians are very much scattered in this Territory. We want a few more sub-agents; if the pay could be raised we would all be able to do more good. I will communicate with you again about the last of December.

I have the honor to be, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA, *Commissioner Indian Affairs,*
Washington City, D. C.

No. 2.

WASHINGTON CITY, D. C.,
January 2, 1852.

SIR: I have the honor to report that agreeably to instructions from your department I proceeded to the Territory of Utah, and after a tedious trip arrived at the city of the Great Salt Lake on the 19th of July.

On the 21st I officially reported myself to his excellency Brigham Young, governor and *ex officio* superintendent of Indian affairs, for "instructions, location, &c.," as instructed by your department.

After the elapse of a few days I received a note from the governor locating me in the first or "Parvan district," with verbal instructions to remain in the city of Great Salt Lake until spring before I permanently established my agency.

The tribes or bands in my agency are composed of the Snake Diggers or Cum-em-bars, which are the desert Indians, inhabiting west of the Tooele, Yoab, and Sevier valleys.

There is a tribe known as Goships and Wan-Ships band, who inhabit the northern part of this district, north from the Great Salt Lake towards the Weber country, west of the Tooele, and east of the Shoshones, or Snake nation.

South are the Tin-pan-a-gos, who inhabit Utah valley; they are more commonly called the Tinpany or Lake Utes, and are divided into small bands, each having a chief Stick-in-the-head-Peteetweet, and others are known as chiefs.

The next are the San-Petes, who are south of the last named tribes, roving through the Yoab and San-Pete valleys, and thence south to the Sevier river. South of them are the Parvans, which nation extends to a tribe called the Piedes.

The next and last known tribe composing my district is a roving band, who roam through the whole of the other nations, and are confined to no particular part of the Territory. They are called Chever-ets, and known as Walker's band.

All the different tribes in this Territory show much deference to Walker. Connected with him or his band are Arra, Pinés, Grose-

Pinés, Tab-bas, and some others. These bands frequently rove high up on the Sevier river in search of game, but are generally found in the neighborhood of San-Pete and Utah valleys.

I held several councils or "talks" with some of the different chiefs and braves, and explained to them what their Great Father at Washington desired to do for them, and what he expected of them. They expressed much pleasure and satisfaction.

I made them several presents, which delighted them exceedingly. The Indians in this Territory are mostly very poor. Game being excessively scarce, they are, from necessity, and to prevent starvation often, impelled to steal cattle, horses, mules, &c., for food.

Some of the tribes inhabiting this district are fine looking men, and apparently quite intelligent Indians. Others of them, viz: the Snake Diggers or Cum-em-bars, are small in stature, and filthy looking beings; they subsist mostly upon roots, crickets, insects, &c.; are extremely poor and wild.

All these tribes before mentioned acknowledge Walker as their war chief, and Sow-er-ette as their head civil chief; but the majority of the tribes obey the mandate or counsel of their civil chief, Sow-er-ette, including Walker. They all expressed a willingness and desire to cultivate the soil, provided the Mormons would not drive them off from their lands.

In the latter part of September I sent out to the Snake or Shoshone nation, and invited Cut-nose, one of the chiefs of that nation, to come in and hold a council or "talk" with me, promising to protect him. My object was to make peace between them and the Utah tribes in my district. He came in, with others, and we held a "talk" of several hours. I gave him some small presents. He expressed himself much pleased to hear from their Great Father, and agreed to meet me at Fort Bridger, one hundred and thirteen miles southeast of Salt Lake City, on the 1st of October.

I also sent word to Sow-er-ette to meet me there with his warriors, promising to protect him. Accordingly I repaired to the fort, and they met me there, as per agreement.

These nations have been at war for many years, and there seemed to be a deadly hatred between them. After a council of several hours, during which time they recounted their alleged causes of quarrel, I told them their Great Father wished them to be at peace with all the different nations of Indians and with the whites, and that they must not steal; which, after smoking the calumet of peace again, they all clasped hands and agreed to.

The Indians complained bitterly of the treatment they had received from the Mormon settlers from the time they first entered the Territory up to the present, such as driving them off of their lands, stealing their stock, &c.

I can, perhaps, convey their ideas better by giving you the language of the old chief, Sow-er-ette, who, raising himself up to his full height, said to me: "American good! Mormon no good! American friend. Mormon kill, steal."

The chiefs said they claimed all the lands upon which were settled the Mormons, and that they were driving them further every year,

making use of their soil and what little timber there was, and expressed a wish, if their Great Father was so powerful, that he would not permit the Mormons to drive them out of the valleys into the mountains, where they must starve.

Some of these tribes cultivate the soil, raise Indian corn, &c.

About the 9th of August Major Holeman, Indian agent, arrived at Great Salt Lake City, and the governor, after some consultation with him and myself, ordered us to attend the treaty at Fort Laramie on the 1st of September, with a delegation of Indians.

I sent out interpreters among those in my district to prevail upon the chief to attend the treaty. By the governor's orders, purchased a carriage, &c., to convey them down privately and in disguise, it being his opinion and instructions that they should be conveyed in that manner to prevent being attacked by other tribes.

Four only of the different bands came in: Gro-se-pene, a chief; Quon-de-ats, son of Sow-er-ette; Tomy, sent by Walker; Sow-er-ette, sent by Wanship; and Gro-se-pene's sister.

The governor thought they could not properly represent the different tribes, and ordered me not to make the trip, but to purchase them a suit of clothes each, knives, tobacco, &c., which I did.

The reasons given me by Sow-er-ette, Walker, and the other chiefs, why they did not come in and go down was that they believed it to be a trap set by the Mormons to kill them. They seem to have but little confidence in anything the Mormon people say to them, and decidedly stand in much fear of them; and from all information I could gather not without good cause.

I am decidedly of opinion that a treaty held of all the different tribes in the Territory would be of incalculable benefit, and that a delegation sent to Washington and through the States would add much to give them an idea of the power of the government, and have a much greater tendency to civilize these Indians than any other course that could be adopted. They have no conception of the population and power of the United States.

Christian missions, other than Mormons, would also do much to advance these Indians towards civilization.

I am, respectfully, your obedient,

H. R. DAY,
Sub-Indian Agent 1st District, Utah Territory.

Hon. LUKE LEA,
Commissioner of Indian Affairs.

No. 3.

WASHINGTON, D. C., *January* 9, 1852.

SIR: In presenting my report to your department a few days since, I did not then state my reasons for having left the Territory of Utah and my agency. I deemed it more suitable to make it the subject of another communication.

My reasons for returning were the public and private abuse of the

government of the United States and its officers, and finding I could not be of that service to the government and the Indians, which I deem that duty required, more particularly as long as the present governor remained superintendent of Indian affairs.

I found it impossible, with due respect to myself and the government of the United States, to perform my duties, in consequence of the open hostility manifested publicly and privately by the governor and the Mormon community to the government of the United States and its officers sent out to Utah Territory.

Although instructed by your department to report through Governor Young, ex-officio superintendent of Indian affairs, I have, under the peculiar circumstances of my position, thought it the more advisable and proper course to report to you in person, and knowing the delay of mail communication, and being satisfied that the government would wish to take action independent of Mormon influences, I believed I would be discharging my duty to repair to the seat of government that I might give such information and explanations as a counter report from Governor Young might call for, and to give a more full and detailed account of the difficulties existing between the officers of the general government and the Mormons.

Thus far I conceive that I am in the discharge of my duty, and would respectfully ask for further instructions, and of such a nature as will enable me to act independent of Governor Young and the Mormons, and am ready to perform my duties and return to Utah Territory; but do not believe that any agent controlled by Governor Young can fully effect the objects of the government in their relations with the Indians.

I would also respectfully suggest that the salaries of sub-agents be raised to such an amount as would enable them to live in a country where everything in the shape of provisions, &c., is much higher than in either California, Oregon, or New Mexico, and in which countries agents receive much larger salaries.

I have the honor to be your obedient servant,

HENRY R. DAY.

Hon. LUKE LEA,
Commissioner of Indian Affairs.

No. 4.

GREAT SALT LAKE CITY, U. T.
December 28, 1851.

DEAR SIR: Enclosed I send you a document which will give you some information in relation to the manner they do business in this city. It commenced, I have no doubt, with the view of producing a difficulty with me, as I was the only government officer *not a Mormon* left in the Territory. It was a transaction with which I had nothing to do, when consulted upon the subject by Mr. H. R. Day, sub-agent, and Governor Young. I did not think it my privilege, nor did I undertake to give any *instruction to any one*, neither did I intend to make

any move in the matter. Subsequently I was called on by Mr. H. R. Day, who informed me that the governor had directed him to make an effort, and, if possible, to get some of the chiefs or principal men of the Utah tribe of Indians, and accompany them to the treaty of Laramie. He stated, also, that the governor had recommended to him that he should send some one acquainted with the Indians to visit them at their villages, and request them to meet him in this city, where, with his assistance, they could perhaps prevail on the Indians to accompany him to the treaty. Mr. Day, having an interpreter employed, he was called upon and directed to visit these Indians; he wished to have some one to accompany him, and requested Mr. Day to authorize him to employ one or two men for that purpose. Mr. Day asked my opinion with regard to his power of employing persons in this capacity. I told him I could give him no information on the subject, but supposed that the governor could or would advise him what to do, and that he had better consult him. Shortly after this conversation Mr. Huntington, the interpreter, called on me, accompanied by this E. W. Vanetten, to know what would be the pay of Vanetten per day should he take the trip. I told them I could not inform them; that I had nothing to do with the business; that I was going to leave the city the next day for Laramie, and, as I could not be here when the Indians arrived, I again advised them to call on the governor, who would give them all the necessary information and instruction. They left me, and in about two hours returned, still urging me to give them directions and instruct them what to do; Vanetten stating in the most positve manner that he would not go unless he knew what he was to get, and who was to pay him. I told him again that I had nothing to do with the matter, and that I could not and would not fix any price for his labor, *nor would I employ him at any price whatever*. This was the last conversation I had with either Vanetten or Huntington upon the subject.

I left the city the next day, and heard nothing further upon the subject until I returned here from Laramie. On the 10th ultimo Mr. Vanetten presented his account to me, and in a very peremptory manner demanded payment. I told him that I had not employed him, that I knew nothing of the services, and that I could not pay the bill. He replied that he had been *directed to present it to me*, and if I did not pay it that he must proceed to collect it. I requested him to see the governor, and that I had no doubt he would do what was right. If the services had been rendered the governor knew it, and certainly would pay him, as he had the control of the whole matter; that he well knew that I was not here at the time, and that I had refused to employ him in any way. He left me, and returned the next day, and demanded *immediate payment*, informing me that the governor had instructed him to present the account to me, and if I did not pay it to make me. I stated to him that I did not wish any difficulty either with him or the governor, but that I could not pay an account that I had no agency in creating, or for services which I did not know had ever been rendered; but, to settle the matter, if he would get the governor's certificate, with instructions to me to pay it, I would do so. But without the certificate of the governor I would not.

About twelve o'clock the constable served a warrant on me for an account against "*J. H. Holeman, Indian agent*," summoning me to appear before Squire Snow at *three o'clock*. Attorney General Blair appeared as counsel for Vannetten, had me prosecuted, and judgment rendered against me *as a private citizen;* execution issued, and a carriage wagon, the property of the government, was levied on, and taken out of my possession on the same day. On the 13th the constable advertised the carriage for sale. Fearing some difficulty, which might result in the loss of the property, as their law process was singular and speedy when against a *Gentile;* and as they can prove anything they desire, I determined to pay the *debt*, the receipt for which is herewith enclosed.

I take the opportunity of again stating to you, as my fixed opinion, that with Governor Young at the head of the Indian department in this Territory, it cannot be conducted in such a manner as to meet the views of, or do justice to, the government. He has been so much in the habit of exercising his will, which is supreme here, that no one will dare to oppose anything he may say or do. His power and influence is so great, that no officer, either of the Territory or the government, who is a Mormon, will dare to disobey his will; therefore, these officers are managed and controlled by him as completely as if all their powers and duties were invested in him alone. His orders are obeyed without regard to the consequences, and whatever is to the interest of the Mormons that is done, whether it is according to law, or to the interest of the government, or not. From all the circumstances, I feel well assured that he was at the head of this suit of Vannetten against me. He wished to show to *his people* that he was sincere in his expressions of contempt towards the government and her officers here, by having them annoyed in every possible manner, in order to force them to leave the Territory, or succumb to his will. At our first interview, after my return from Laramie, his conduct was of such a character that I felt it my duty to check him at once. I assured him of my determination to do all in my power to promote the interest of the government; that, so far as he was concerned, I should be happy to cöoperate with him in all measures which had a tendency to effect that object; but that so far as I was able, and to the extent of my ability, I intended to discharge my duty to the government faithfully, without fear, favor, or affection to any one, and that I wished him distinctly to understand. We separated without much ceremony, and did not meet again for several days. In the meantime, it was rumored about that I was going out to Fort Bridger, and the Mormons generally believed that I was about to leave for the States. This produced a great change; the governor called on me, was very polite, and has been quite friendly ever since. I expect an outbreak between us, because I believe it to be his intention to use his official station as superintendent of Indian affairs to promote the interest of his people. He has already been on an excursion with the Mormon sub-Agent, S. B. Rose, with Indian goods, as presents to the Indians in a section of the country where they are making a new settlement, and where, I am informed, the Indians have made objections to any further encroachments upon their lands by the Mormons.

Their object is to get a foothold, make a settlement peaceably by purchasing the friendship of the chiefs and headmen with presents furnished by the government, and then bid defiance both to the government and to the Indians. They are a people who have no sympathy or respect for our government or its institutions, and who are frequently heard cursing and abusing, not only the government, but all who are American citizens.

Believing it to be my duty, I shall remain here if it should be the wish of the department, and shall, from time to time, advise you of all matters connected with the Indian affairs which I may deem of importance or interest.

As soon as the weather will permit, I shall visit several tribes and bands who I have not yet seen, when I shall inform you of their situation and disposition.

I have felt it my duty to make the foregoing statements, and have forwarded this communication directly to the department, believing that if I attempted to pass it through the superintendent, it would never reach you.

I have the honor to remain, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA,
Commissioner Indian Affairs.

GREAT SALT LAKE CITY, UTAH,
November 10, 1851.

Major J. H. HOLEMAN, United States Indian agent,

To E. W. VANETTEN, DR.

For services of self and horse eight days, on tour to San Pete, $3 00.....$24 00

UTAH TERRITORY,
Great Salt Lake County, } *ss.*

To the sheriff or any constable of said county, greeting:

You are hereby commanded to summon J. H. Holeman to appear before me, at my office in Great Salt Lake City, on Tuesday, the 11th day of November, A. D. 1851, at three o'clock p. m., then and there to answer unto E. W. Vanetten in a plea of debt on account, in the sum of twenty-four dollars. Hereof, fail not, but legal service and due return make, according to law.

Given under my hand this 11th day of November, 1851.

WM. SNOW, *J. P.*

E. W. VANETTEN *vs.* J. H. HOLEMAN.

Cost bill.—Plaintiff's cost.

Summons	$1 00
Subpœna	50
Swearing witness, (Huntingdon)	25
Witness	1 00
Rendition of judgment	2 25
Constable's fees	3 00
	8 00

Suit brought on account.—Amount $24.

November 11, A. D. 1851.—Summons issued and delivered to Rodney Badger, constable, for appearance of defendant at 3 o'clock p. m., of November 11, 1851.

November 11, 1851.—Summons returned endorsed, served by reading to defendant.—Rodney Badger, constable.

Fees, $3.

Half-past three.—Parties appeared, trial had, and it is considered that plaintiff recover of defendant the sum of $24 and cost, taxed to eight dollars.

November 11, 1851.—Execution issued against J. H. Holeman, in favor of E. W. Vanetten, for $24, debt, and $8 cost of suit, placed in the hands of R. Badger, constable, for collection, together with his cost, and one dollar for said execution.

Returnable thirty days from date.

I hereby certify the above to be a true copy taken from my docket in office.

WM. SNOW, *J. P.*

GREAT SALT LAKE CITY, *November* 14, 1851.

E. W. VANNETTEN *vs.* JACOB H. HOLEMAN.

Judgement rendered by Wm. Snow, justice	$24 00
Costs of suit	8 00
Taking a carriage and serving writ in execution	3 00
Writing and posting up 4 advertisements for the sale of one carriage	4 00
	39 00

GREAT SALT LAKE CITY, *November* 15, 1851.

Received payment, in full of the above bill, costs, and judgment of Jacob H. Holeman.

RODNEY BADGER, *Constable.*

Constable's Sale.

Taken, on execution against John H. Holeman, in favor of E. W. Vanetten, one carriage and harness, which will be sold at public auction to the highest bidder, at or near the council house, in Great Salt Lake City, on Saturday, at 2 o'clock p. m., the 22d day of November, 1851.

RODNEY BADGER,
Constable.

TERRITORY OF UTAH, G. S. L. CITY,
November 13, 1851.

No. 5.

GREAT SALT LAKE CITY, U. T.,
February 29, 1852.

DEAR SIR: You would greatly oblige me by giving me some instructions in regard to my duties here, and the wishes of the department. I have been, as the saying is, going it blind, pretty much, and, I fear, I may have acted improperly in some respects. I am anxious to be informed of the intentions and wishes of the department in relation to the Indians in this Territory generally. It is expected here that there will be a considerable emigration from the States to California and Oregon this spring; there will be considerable from this place. As the Indians have been very troublesome on this route, I think it important that something should be done in that direction to protect the property and lives of the emigrants. An agency at Mary's river, some 300 miles from this city, would do much good, and have a tendancy to quiet the disorderly Indians, if in the hands of a proper person. I consider it the most important point for operations this spring. There was such destruction of life and property on this route, during the last season, that I should like to be instructed to regulate matters there, before the emigration arrives. I think, by proper management, the route may be made safe; not, however, without some expense. If I do not hear from you, and the emigration should make a move, I shall use all efforts to give them a safe passage, so far as the Indians are concerned. I shall visit them and endeavor to concilliate them; and, if possible, establish friendly relations between us: at all events, so far as the limits of this Territory extend. But, as I have before stated to you, I fear that little can be done for the benefit of the government or the Indians, under the present organization of the Indian department here. The superintendent and sub-Agent, Rose, seem disposed to conceal their movements from me; they never consult with me, or pay any attention to my opinions. They have liscensed many traders, some against my wishes, and who I know to be unworthy; they are traversing the country in every direction, though they reside in this city. Have I the power to stop this kind of traffic? I have pestered you so much with my communications, that I fear you will think me troublesome; therefore, I will make the communication a short one. I wrote to Mr. J. J. Critten-

den, concerning matters here, and should be pleased that you would see my letter to him. If you have time, please write me.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent.

Hon. L. LEA, *Commissioner of Indian Affairs.*

No. 6.

GREAT SALT LAKE CITY,
March 29, 1852.

DEAR SIR: On the 28th of November last I addressed you a letter, containing in substance what you will find in this. Believing it important that the department should be possessed of some of these facts, and understanding that there was a failure in the mail of the 1st of December, I have concluded to write you again, as I have now a safe conveyance by private hand. In my letter above alluded to, I informed you that I had made a report to his excellency Governor Young, superintendent of Indian affairs, in which I had given a statement of my accounts and transactions, generally. But owing to a difficulty which had occurred between the governor and Judge Brocchus, and other officers of the government, during my absence to Laramie, I did not think it prudent to touch on matters connected with the conduct of the governor, and the Mormons in general, as it had to pass through the hands of the governor. It was not, however, because I feared that anything I stated could or would be contradicted by the governor, but because I apprehended that if I said anything which he did not like in my report, that it would never reach you. "The Gentiles," as we are all called, who do not belong to the Mormon church, have no confidence in the management of the post office here; it is believed by many that there is an examination of all letters, coming and going, in order that they may ascertain what is said of them, and by whom it is said. This opinion is so strong that all communications touching their character and conduct, are either sent to Bridger or Laramie, there to be mailed. I send this communication by a friend to St. Joseph, Missouri, there to be mailed for the city of Washington.

I alluded, in my report, to the necessity of adopting such measures by the general government, as will protect the rights of the Indians in this Territory; they are becoming very much excited by the encroachments of the Mormons, who are making settlements throughout the Territory on all the most valuable lands, extending these settlements for three hundred miles south from this city, and north to Mary's river and Carson valley. In the first settlement of this city, and the adjoining country by the Mormons, they at first conciliated the Indians by kind treatment, but when they once got foothold, they began to force their way, the consequence was a war with the Indians, and in many instances, a most brutal butchery of the Indians. This, they fear, will again be the result wherever the Mormons may make a

settlement. The Indians having been driven from their lands, and their hunting ground destroyed without any compensation therefor, they are, in many instances, reduced to a state of suffering bordering on starvation. In this situation, some of the most daring and desperate approach the settlements, and demand some remuneration or compensation for their lands, &c., when upon the slightest pretexts, they are shot down or driven to the mountains. These scenes frequently occur; but the other day an Indian was found dead in the vicinity of the city, shot through the body.

You will no doubt be informed by Judge Brocchus, Secretary Harris, and others—officers who have returned from this city to the States—of the conduct and character of Governor Young, his treatment to them, &c. I was not here at the time. On my arrival in the city, from Laramie, I found the governor absent on an expedition to the Indians, some 150 miles distant. He had taken with him sub-Agent S. B. Rose, who is a Mormon, with several hundred dollars worth of Indian goods as presents, for the purpose, no doubt, of conciliating the Indians and getting permission to extend his settlements; thus making use of his office as superintendent and the money of the government to promote the interest of his church. Therefore, it seems to me that no Mormon should officially have anything to do with the Indians.

From what I can learn here, there is no doubt but every effort will be made by the Mormons to prevent the government from peaceably extending her laws over the Territory. Since the departure of the judges and other officers, they have levied additional taxes on all classes of ten cents on the dollar's worth of all description and kind of property. This, it is thought, is for the purpose of preparing for resistance. It is said, upon good authority, that there is an effort being made to form an alliance with the Indians to resist the government, should it be determined to force authority in the Territory; and, from all the circumstances and information I can gather, something of the kind may be in agitation. It would not surprise me in the least, as many of the Utah tribe have been baptised in their church, and feasted upon all occasions, and treated in the kindest manner. sub-Agent Rose has just returned from another tour, and the governor will leave again in a few days. Neither have spoken to me on the subject, nor do they let me know anything of their actings or doings.

I think it would be advisable to hold a treaty with the Indians as soon as possible. They are generally friendly disposed to the whites. A deputation of some of their principal men to visit the States would have a very good effect. They know nothing of the power of the government, or the number and manner of living of our people.

I have just been informed that the Snake and Utah tribes, who have been at war with each other, have assembled for the purpose of settling their differences; they are now in council. I suggested this course to both tribes, and have no doubt but it will result in an adjustment of their difficulties. It will set an example to the other tribes, and will ultimately, I have no doubt, produce a very good effect. This is the band of the Snakes who visited Laramie; they are very friendly to the whites and have great respect for their Great Father. The Indians

are very much scattered over this Territory; the tribes are split up into small bands, ruled by some favorite chief; some of them are very small. The tribe of Shoshonies, or Snakes, is very large, and being divided into many bands, they occupy a large portion of the Territory, but are all on friendly terms with each other. They have nothing like a settled residence, but roam the country from the headwaters of the Platte, near the South Pass, to St. Mary's river, including a portion of the Territory of Oregon. There are two bands of Utahs of considerable size; one residing south of the city, and are very friendly towards the whites; the other, who are called the "Diggers," reside north, and range over a porti n of country lying between this and California; they are said to be a tribe formed by the poorer classes of the Utahs, the Snakes, the Pa-nacks, the Crows, and the Flatheads. They have heretofore been considered as the most worthless and trifling Indians in the Territory, subsisting on roots principally, from which they take the name of Diggers. It is said they eat anything that has life in it, from a cricket to a buffalo. It is principally in their country that the robberies and murders which have occurred during the past season have been committed. Many are of the opinion that they have been encouraged and assisted by white men; and judging of their past character and their bold and daring conduct now, it would seem that there is strong grounds for the opinion. There are many bands of the various tribes above named, of a more elevated character, who pursue the chase for a living, and travel the country in search of game, from the Platte river to California, and from this city to Oregon. I visited a village of the Snakes about 80 miles north of this city, in January last. It was reported here that they had information of two white women, who were said to be held as prisoners by a band of the "White Knives;" all the information I could gather seemed to justify the belief that they had been killed by the Indians. The name of *White Knife* has been given to these Indians who have been committing the robberies on the California and Oregon routes, in consequence, they say, of white men being connected with them and their being so completely armed with almost every description of weapon. The Indians I visited professed great friendship for the whites, and seemed disposed to enter into any arrangement with the government which would have a tendency to secure, permanently, this friendship. I have met with many of the Utah tribe, who reside south and southeast of this city; they are also friendly, and are anxious to make such arrangements, by treaty or otherwise, as will establish, on a firm footing, their friendly relations with the whites.

I have suggested, in my previous letters, the necessity of doing something to protect the route between this and California and Oregon; the Indians have been very troublesome during the last year; robberies and murders of the most brutal character occur with almost every train. The November mail from California has been cut off, all killed by the Indians, near Mary's river; the mail contractor, Mr. Woodward, among them, and the mail destroyed. The February mail from the same place arrived here on the 26th instant, after much suffering; all their mules and horses were frozen to death, the men

were compelled to lay by 18 days in a snow storm, and travelled 13 days on foot, packing the mail on their backs, with nothing to eat but mule meat, and four days without anything; they accidently met a band of the Snake Indians, who fed them, and brought them into the settlements. Something should be done by the government to aid this mail route. The December and January mails could not pass the mountains and return.

It is not, perhaps, any portion of my duty, yet it may not be amiss to give you some account of the persecution and tyranny of the Mormons towards the gentiles, as all are called who do not belong to the Mormon church. They have levied a very exorbitant tax on all emigrants who have been compelled to winter in this valley; they collected this tax last fall, and now, when these emigrants are preparing to leave for California and Oregon, they tax them again. The legislature has passed a law giving licenses to men belonging to their church, to establish ferries, and build bridges over all the streams over which emigration will have to pass, and regulated the toll at three dollars for each wagon, and fifty cents for each head of loose cattle, while the citizens of the valley, or members of the church, are exempted from this tax or toll, one-half of which is to be paid into the tithing office, for the benefit of the church. Some of the emigrants, who, from the lateness of the season when they arrived here, were compelled to remain during the winter; being good mechanics, they were employed by some of the heads of the church to labor on their buildings and public works; and wishing to leave this spring, have been turned off without pay, or any satisfaction; they refused even to give their notes. Among these men is Willard Richards, who keeps a harem of some dozen or fifteen women, to all of whom he is wedded. He is acting secretary of state, and postmaster of the city. Every description of tyranny that they can invent is made use of to persecute the emigrants. They issue from the tithing office a kind of scrip, as evidence of the indebtedness of the church, for labor or services performed by individuals. This scrip forms a kind of circulating medium, and is received from the members in payment of their taxes and tithing; but when it falls into the hands of a gentile, it will not be received from him for his taxes, and he is forced to pay the cash. All he can do with it is to receive such articles of trade as they may choose to give him, at from one to four hundred per cent. above the valley prices for the same article.

They are in the habit of drilling the militia weekly. The commanding officer, in impressing upon them the importance of punctuality attending these drills, has been heard to say, "That they were in the habit of drilling punctually while in Nauvoo, when they had but one State to oppose them, but now they have the whole United States, they should be properly drilled and equipped." Others say, "They do not fear the United States, they have neither respect for her, or her citizens; and should they want assistance to defend themselves against the government, they can easily get it from England." They have their missionaries travelling all over the world, almost, collecting men and contributions, to give greater strength to their church. They calculate upon a large emigration this season to reinforce their

ranks, and are using every effort to prevent their people from leaving the valley. Many have made preparations for emigrating to California, but Brigham has put his veto against it, and in a great measure, has put a stop to it.

I could give you thousands of circumstances tending to show their deadly hostility to the government, and their determination to resist her authority in all matters which conflict with their notions and church regulations. They say that "*God and the governor commands*," and they obey no one else.

I mentioned in my previous letters the difficulty attending the route from this city to California. The main route from the States to California and Oregon passes to the north of this, and intercepts the road from here at or near the Goose Creek mountains, about 175 miles from this place. It is then about 130 miles to the head of Humboldt river, where the road strikes it; thence down the river to the cañon is about 60 miles; making from this to the cañon about 365 miles. It is the opinion of the best informed, with whom I have conversed, that a post or agency, established at or near this canon, would afford the best protection to this route. The distance from this cañon to Reese's Station in Carson's valley, is about 360 miles. This station is in Utah Territory, near the California line, and is about 180 miles from Sacramento city. There is a settlement about this station of about eighty persons, and extends in the direction to this city, for near forty miles. Should I receive no instructions to the contrary, I have concluded to visit this section of the Territory, and should I find it advantageous to the interest of the government and the Indians, I shall make arrangements to establish an agency at some point which will be the best calculated to give the greatest amount of protection, and at the same time be most convenient for operations with the Indians. As the emigration will be leaving this valley about the 20th of April, I have concluded to leave this city with them. I shall write you again before I leave, and shall advise you from time to time of my operations, the prospects of quieting the Indians, and the state of the country generally.

I fear you will think me extravagant in the expenditure of money, but I assure you things are quite different here from what they are in the States; everything is from two to five hundred per cent. higher than they are there. Consequently, our living, though much more common, is quite dear. All my expenditures have been as economical as possible, particularly my trip to Laramie. It was the first attempt that had been made by government to establish friendly relations with the Indians in this Territory, and I thought that a few dollars was a matter of no importance when compared with the effect which would be produced upon their feelings, by showing them that their Great Father, as well as the whites generally, would be good to them if they would treat the whites with kindness. They returned to their villages so much pleased with the trip, and the evidences of friendship they received, that they are using all their influence with the other tribes, not only to make peace between themselves, but to establish peace and friendship with the whites.

It may be prudent, perhaps, to keep my name secret in relation to these statements. If it was known here that I had such a communi-

cation, there is no telling what would be the result. I have heard them boldly assert that, if Brigham was to tell them to cut any man's throat, they would do it without hesitation. I make these remarks to let you know my situation. I do not fear a contradiction; use your judgment on the subject.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA.

No. 7.

GREAT SALT LAKE CITY,
April 29, 1852.

SIR: I have advised you, in my previous communication, of the difficulty and danger to emigrants who travel the Oregon and California route, and of the necessity of doing something for their protection. I also informed you that, if not instructed otherwise, I should visit that section of the Territory, and endeavor to make such arrangements with these Indians as would insure safety to emigration in future. I have had several conversations with the superintendent upon this subject without coming to any determination or receiving from him any particular instructions. For the purpose, therefore, of bringing the matter to a close, and that there should be action upon the subject, I addressed to him the enclosed letter. He left this city on the 23d instant on a southern tour, to be absent several months, without giving me any instructions, or even acknowledging the receipt of my letter. He has been in an ill humor with me since the receipt of your annual report, in which is a letter I addressed you from Fort Laramie and in which I speak of the excitement of the Indians on account of the whites settling their lands, and more particularly against the Mormons. In order to justify myself for the statements made in that letter, I have thought it advisable to give you my authority, as I have been threatened with denunciation and a contradiction of all matters concerning the Mormons.

Mr. James Bridger, who was the interpreter of the Snake Indians at the treaty of Laramie, and who is very favorably noticed in the communication of Colonel D. D. Mitchell, informed me that the Utah Indians residing in Uwinty valley had frequently expressed their dissatisfaction, in the strongest terms, against the Mormons making settlements on their lands; that they had understood they intended to do so, and were anxious to know what they should do, or if they had the right to prevent it. This was stated to me in such a manner that I could not hesitate to believe it. In addition to this, Mr. Barney Ward, a Mormon, who was the interpreter of sub-Agent S. B. Rose, in conversation, frequently stated that the Mormons intended to make a settlement in Uwinty valley, and that he was going to reside there as an Indian trader. With this information, believing that if the settlement was attempted that it would cause an outbreak, and another "Indian war," for which government would be called upon to defray

the expenses, I made the statement in my communication from Laramie; not, however, for the purpose of producing unkind feelings towards the Mormons, but to impress upon the department the necessity of adopting such measures as would place both the whites and the Indians in a position to understand their rights and privileges, and thereby prevent further disturbances among them, as there had been, as I conceived, great injustice done the Indians already. I subsequently met a deputation of the Uwinty Utes, sent by their chief Soweates, who confirmed the information I had before received, and expressed their decided disapprobation to any settlement being made on their lands by the whites, and more particularly by the Mormons. This same deputation was directed by their chief to request that I would send them some traders, towards whom and the government they pledged friendship in the strongest terms. I sent them two different companies of traders—one from Fort Bridger, who they treated with great kindness and respect; the others went from this city. Upon learning they were from the Mormon city, the Indians immediately demanded to know if they were Mormons; and although one was a Mormon, they were compelled to deny it. Such was the feeling of hostility expressed towards the Mormons, that if they had been known to be so they would have been driven from the village. The Shoshonees, or Snakes, were equally opposed, and expressed their disapprobation to the Mormons settling on their lands in the strongest terms.

I thought I was in the discharge of my duty in giving to the department this information, as I conceived it of some importance. The Indians in this Territory have, in the general, been badly treated; upon some occasions so much so as to produce resistance. Then, upon the most trivial occasion, would follow, as the Mormons call it, an "Indian war," and being better armed and equipped than the Indians a most brutal butchery would follow. For all these services in all these "Indian wars," I understand that there is a petition presented, or will be presented, to Congress for the government to pay the bill. Before they do so, however, I hope they will inquire into particulars, as these people seem more inclined to fleece the government of her money than to render her any important service or friendship. I have thought it to be my duty to inform the department of all matters calculated to produce excitement or dissatisfaction among the Indians. With this view I have made you the several communications relative to matters and things here. I shall continue to do so as circumstances may occur; and while I confine my statements to facts, I feel confident I shall be sustained by the department.

I shall, in accordance with my previous advices to the department, leave in a few days for the Humboldt, where, if I find it necessary, I shall establish an agency, as it is no doubt the most important point on the route. If it should be necessary and any good can be effected, I will extend my trip as far as Carson valley, near the line between this Territory and California. If I should not succeed in establishing friendly relations with these Indians, I shall on my return have it in my power to give the department such information as will enable them to act more advisedly in future. At present but little is known except that they are murdering and plundering every train that passes

the road. As the treaty of Laramie has given security to emigration from the States to the country occupied by these Indians, an arrangement with them will open a general highway through all the country, from Missouri to California, and give security to the numerous and increasing emigration which is annually passing to California and Oregon, and which at present is attended with so much danger and loss of life and property. The Indians in this section have had but little intercourse with the whites, and what they have had has rather tended to excite them against the whites than to create friendship or respect. The first were a set of traders and trappers, &c., whose practice was to cheat them out of what little they possessed, or take it by force when able to do so; the second were the Mormons, who forcibly took possession of their country, drove off their game, and killed many of the Indians; the last was the emigration who often committed depredations on those who were inclined to be friendly, through the mistaken idea that all Indians were treacherous, and by this means frequently caused the innocent to suffer. Such transactions have in a great measure brought about the present condition of things here. Many of the tribes, however, are becoming friendly, and by a prudent and humane course, which has characterized all the acts of the government in regard to this unfortunate race, I hope the balance may be reconciled and the country and the highways be relieved of the distressing scenes which so often occur.

I mentioned to you in my last communication that the November mail, from California to this place, had been cut off by the Indians and the contents destroyed. The remains of Mr. Woodward, the contractor, have since been found some forty miles beyond the settlements in this valley. We have received information from the Indians near Fort Hall, that he and his escort, five in number, were attacked by this marauding band of Indians on the Humboldt, and that four were killed—the fifth, Woodward, made his escape. It is supposed that he must have been wounded and died from exhaustion, as his watch and many valuable papers were found near the remains of his body, which was almost entirely destroyed by wild beasts; it was identified, however, by his clothing, watch, papers, &c.

The Snake Indians who attended the treaty at Laramie returned well pleased with their reception and treatment. They are very friendly with all who pass through their country, giving them every assistance in their power, and pledging a continuance of their friendship, on account, as they say, of the kindness of their Great Father to them. This feeling is diffusing itself throughout many of the other tribes and bands, who regret that they had not been there also. In fact, I believe that there is but one tribe in the Territory who are disposed to molest the emigration, and that is the tribe I contemplate visiting. I shall be compelled to incur some expense, but shall be as economical as possible. I shall have to hire some ten or fifteen men, an interpreter, &c., to accompany me, and shall make all other arrangements, as far as possible, subject to your advice and instruction, which I shall expect on my return.

I regret that I have not been able to receive positive instructions in relation to my duties, and more particularly in regard to expenditures, and the particular kind of expenditures. I fear that I have already gone too far; all I can say on this subject is, that in attending the Snake Indians to the treaty at Laramie, although somewhat expensive, it has done much good, and will have a very happy effect upon our Indian operations in future. One thing, however, is certain, all operations with the Indians cost money, perhaps more in this Territory than many other places. I have, therefore, thought it better to incur a little expense for purposes which I deemed of importance to the Indians and to the government than to wait for instructions so distant and difficult to obtain. Besides, I can see no use in my remaining idle when there is important work to perform, particularly as it will have to be done at some time, and perhaps at a much greater expense.

Will you be so kind as to say to me, on the receipt of this, what will be the proper allowance to these men who accompany me, either as their per diem or monthly pay. I fear you will consider me somewhat *pestiferous*, but you must recollect that I have had no instructions by which I could form a correct opinion of the extent of my powers and duties, or the particular wishes of the government. I was directed to report to the governor, which duty I performed without delay. He having no instructions, as he informed me, I was left to act upon your verbal instructions, to take such steps as in my judgment would best conduce to the interest of the Indians and the government. I have endeavored so to act, and hope my conduct may meet the approbation of the department, and that I may hear from you by the return mail.

I received a communication by the last mail informing me that, in consequence of my having failed to render my accounts up to the 30th of September last, I had been reported to the President. I regret that it was not in my power to make my report at the time alluded to. I had been in attendance at the treaty at Laramie, with the Snake Indians, where I was detained much longer than I had anticipated when I left this city; not doubting when I left but that I should return before the time specified for making my report, I did not take with me many papers necessary to enable me to do so. In addition to this, my horses failed on my return to such an extent as to prevent my travelling at the usual speed. I had to wait on them or to leave them. I thought it more prudent to sacrifice my personal comfort than to leave my animals, which would have been a total loss to the government, and did not reach this city until the 26th of October, too late to make a report. I however forwarded my account by the November mail, which I have no doubt you have received ere this, and which I hope may be satisfactory to the department.

I have the honor to be, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. Luke Lea,
Commissioner Indian Affairs.

P. S. *May* 1.—Not receiving any communication from you, and being left to act from my own judgment, I shall proceed to equip ten

men, with an interpreter, and two friendly Indians, and proceed immediately to the Humboldt. It is reported here that these marauding Indians in that station have been making great preparations for their operations on the emigrants; and as there is nothing else of any importance for me to do at present, it seems to me that my duty prompts me to this course. I shall use every effort in my power peaceably to quiet the Indians on this route, and to get all the information possible concerning them, their habits, disposition, &c., and the prospects of doing anything with them in future. I shall use economy and discretion in all matters, and report the result to the department on my return. If I find it necessary to go as far as Carson valley I may be detained some two or three months. It is unnecessary to take this trip unless a thorough investigation is made of all matters which may be of interest to the government or to the Indians, so as to enable the department to act more advisedly in future. It is very necessary that something should be done, and as speedily as possible, as the longer it is delayed the more difficult and expensive it will be to the government. I shall be compelled to draw on the department for funds to defray expenses. I shall also take with me a few articles to be used as presents, if I can dispose of them to advantage and effect. The April mail from the States has just arrived.

Yours, &c.,

J. H. HOLEMAN,
Indian Agent.

No. 8.

GREAT SALT LAKE CITY,
April 19, 1852.

SIR: During the last summer, the emigration on the route to California and Oregon was very much annoyed by the Indians; many murders were committed, and a vast amount of property destroyed. These murders and robberies were committed, it is thought, by a band of Indians called "Diggers," residing in the northern part of this Territory. I have not been able to get any information which can be relied on respecting their general character; it is thought, however, that the whole band is more or less engaged in these depredations. I have thought, therefore, that a visit to these Indians would have a good effect. It is important that something should be done to protect emigration, and if it should meet your approbation I will visit them, and, if possible, make such arrangements as will give security on the route, or get such information as will enable the government to act in future. I am of the opinion that an agency established on the Humboldt, or Mary's river, would be calculated to afford protection to emigration, and, perhaps, be the means of conciliating these Indians. An agency at this point would be the means of collecting together the whites in sufficient numbers, not only to protect themselves, but to have great influence with the Indians. It might be necessary, at the present, to make them a few presents as an earnest of our friendly disposition towards them. There is already

a settlement in Carson Valley, near the territorial limits, and as this would be about midway between the settlements, it would, no doubt, be the best point to make an establishment for future operations with the Indians and for the protection of the route.

As there will be a considerable emigration from this city to California and Oregon this spring, and as they will be leaving in a few days, a small escort to accompany me would be sufficient, particularly as our object would be of a pacific character, and to establish friendly intercourse between the whites and Indians.

If you concur with me in any of these views, I would be pleased to have your advice and instructions.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

His Excellency BRIGHAM YOUNG,
Superintendent Indian Affairs, Utah Territory.

No. 9.

WASHINGTON, D. C., *June* 2, 1852.

SIR: Your chief clerk, Mr. Mix, having this morning shown me a letter from Major Holeman, Indian agent for Utah Territory, I deem it proper to state, in justice to myself and that gentleman, that upon his arrival at Great Salt Lake, at his request, I introduced him to Governor Young, and that they, upon consultation, agreed that the attendance of the Indians at the treaty, although not parties thereto, would be of incalculable benefit to them, as well as for the interest of the United States government.

Governor Young desired Mr. Holeman to address him a letter containing his views on the subject, and the impressions he had as to what would meet the wishes of your department, which was done. This letter was shown to me by Major H., as well as the answer of Governor Young, in which he (Gov. Young) instructed Mr. H., Mr. Rose, and myself to make the proper preparations for conveying the Indians to the treaty ground; a copy of these letters was promised me by Mr. Holeman, but has not been received.

The governor pledged himself that the men who might accompany me as assistants, and in connexion with my interpreter, should receive a reasonable compensation.

The man Vannettin, of the number, whom Mr. Holeman speaks of as having sued *him*, refused to serve upon my authority, and I therefore went with him to the governor, who assured him that he should be paid.

It was also the express order of the governor that the Indians should be conveyed to the treaty ground (those under my charge) in disguise, and in a private carriage, and furnished with all necessary supplies. Under his order and authority I purchased the means of conveyance, anticipating, from his representation and that of the interpreter, that there would be no reluctance on the part of the Indians to go. But,

as heretofore stated in my report to your department, after all arrangements were made, the Indians (that is, the head chiefs) declined going, alleging that it was a mere ruse on the part of the Mormons to massacre them. This was the report of my interpreter and his assistants, from whom I was necessarily obliged to derive my information. Thereupon the governor ordered me, in the presence of my interpreter, to make presents to the few chiefs who had expressed a willingness to go, which was done, as stated in my report above referred to, which is accompanied by a certificate of my interpreter and voucher.

I wish to endorse to the fullest extent that portion of Mr. Holeman's letter as to the unjustifiable conduct of the Mormon authorities of Utah, and their seditious and violent expressions with regard to the government of the United States, and all who do not belong to their *so called* religion, whom they term *"Gentiles;"* and I am still of the opinion, as expressed in my report to you, and to which I again beg to refer you, that no officer of the government, other than a *Mormon*, can reside within that Territory, if officially under the surveillance of Brigham Young, as governor, without compromising his own self-respect and the honor and dignity of this great republican government.

I also agree in the opinion expressed by Major Holeman of the present sub Indian agent, J. B. Rose, who is a devoted Mormon, and as unprincipled as any of the sect. I trust you will not consider my opinions as meaning to be at all intrusive.

Thanking you again for your uniform kindness to me and for the appointment received at your hands, I have the honor to be,

Very respectfully, your obedient servant,

H. R. DAY,
Late Sub-Indian Agent for Utah.

No. 10.

GREAT SALT LAKE CITY, UTAH TERRITORY,
May 2, 1852.

SIR: The mail did not leave here yesterday; it was snowing and storming all day. The snow fell to the depth of six inches. I have been informed this morning that a Mr. Williams has received a letter from a friend of his, a Mormon, stating that he is associated with a company of white men and Indians, who are stationed near Carson valley, and that their object is to plunder and rob the emigrants. He advises Williams, who is a Mormon also, to paint the horns of his cattle, so that he may be known, as they do not wish to molest the brethren. We ought to have troops here. These whites, associated with the Indians, are committing so many depredations on this route that something ought to be done. I have not time to write more as the mail is closed. I have to send this by private hand to be mailed

at Laramie. I will endeavor to ascertain more particularly all these matters, and inform you by next mail.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent.

Hon. L. LEA.

No. 11.

GREAT SALT LAKE CITY, UTAH TERRITORY,
May 8, 1852.

SIR: I advised you by letter, dated May 2, that I had received information of the organization of a band of robbers, whites and Indians, who had located themselves on the road leading from this city to California. I have since learned that the individual who made the communication to Mr. Williams is a notorious character, by the name of "Reading," and although he was once a member of the Mormon church, he is now held by them in utter contempt, and looked upon as a great scoundrel; but in consequence of some act of personal friendship which was shown him by Mr. Williams previously, he has given him the information, thus fulfilling the old adage of "honor among thieves." I am not, however, to be understood as including Mr. Williams. From what I can learn, there is no doubt of the existence of this band, and that their object is to plunder the emigrants and all who travel that road. The road from this city intersects the road leading from the States to California, at or near the Humboldt or Mary's river, beyond which the principal robberies are committed.

I shall leave for the Humboldt to-morrow, with an escort, and shall use every exertion to reconcile the Indians, and, if possible, prevail on them to withdraw from the land.

I have expressed the opinion in my previous communication that white men were the instigators of the disturbances on this route. It is now reduced to a certainty, as the information just received may be relied on. I am aware that it would be more proper for me to await instructions upon this subject. In frequent conversations with Governor Young relative to the disturbances on this route, and the importance of doing something for the protection of the emigration and the travel generally, although he did not give me instructions, yet he strongly advised it, and requested that I would address him a communication on the subject, as it would *"be better for all these matters to be in writing."* I done so, as I have previously informed you, but received from him no reply. He being absent, and not having it in my power to confer with him, or to receive any instructions from him, the distance from Washington, and the delay which must occur in getting advices, the danger of delay, and the necessity for immediate action, all seem to justify me, if it does not absolutely make it my duty to take the trip. Besides, delay at present would greatly lessen the chances for making arrangements and quieting these Indians. A large emigration has already left, and others are leaving almost

daily; all expect difficulties with the Indians, and are prepared to meet them. With such feelings as exist, they may bring on difficulties by imprudent or hasty conduct; and should this occur the breach will be widened, and it will be more difficult to do anything with them. It is my intention to put myself in front of the emigration and meet these Indians in friendship. They know nothing of the friendly disposition of the government towards them, of the power of our people, or the vast resources of our country; and having been treated sometimes, no doubt, badly by the white man, with their general feeling and disposition to revenge, they have become the enemy of our people. If, by a pacific course and kind treatment, I can induce them to abandon their practices of plundering and murdering, the whites who are associated with them, and who no doubt have instigated them to these acts, will be left to their own resources, and not having the Indians to shield them, they may be easily managed; but so long as they have the Indians associated with them, and assume the Indian costume, which I am informed they do, the Indians of other tribes will take advantage of the prospect for plundering which is thereby afforded, and parties will be frequently found harrassing the emigration, and keep the road in constant turmoil. Therefore, situated as I am, I have either to "take the responsibility" or remain inactive until I can hear from you. As I consider it of the utmost importance, from the best information I can get, that an effort should be made, and that immediately, to give peace and security to this route, and as I have been left to the exercise of my own judgment, I have thought it my duty to visit these Indians.

If I can do nothing more, I shall have it in my power to give the department such information as will enable the government to act advisedly in future, for act she must, sooner or later, and the longer it is put off the more difficult it will be, and the greater the cost.

As this will be the great thoroughfare for emigration and travel from the States to California and Oregon, government will be bound to take such steps as will give security to the road, cost what it may, even at the point of the bayonet.

Should this or any other course which I have deemed it my duty to pursue not meet the approbation of the department, you will please inform me, and give me such instructions as will enable me to comply with the wishes of the government. It is due to the department, as well as to myself, that I should be candid. I have no idea, with Governor Young at the head of the Indian department, that I shall be able to do anything that can be of service to the government, or to the Indians, or creditable to myself. Therefore, if Governor Young is continued as superintendent, I had as well leave, for it must be evident to the department, from his course recently, that his personal feelings towards me, or something else, has induced him to neglect the interests of the government in a matter in which but a short time since he seemed to be deeply interested, and which he considered of the greatest importance to the government, to the Indians, and to this Territory. Whether any other Gentile could succeed better with him than I have done is extremely doubtful, as I have studiously avoided meddling with their peculiar notions of religion in any manner, and have endeavored to avoid giving them any offence personally. So far as my public duties have prompted me to speak of them, I leave to the department to judge. I have spoken of them and their acts, as I believed to be my duty; I have misrepresented them in nothing, for I have had no personal enmity to gratify.

If I should find it important to the interests of the government and necessary for future operations with the Indians, I shall establish an agency at some point on the Humboldt or Mary's river, as it will have a tendency to protect the route and afford facilities to emigration. If I should establish this agency, and if it should be the wish of the department that I remain in this Territory, I would be pleased to have this agency assigned to me. As nothing can be done here of much importance during the winter season, I should be gratified, if it would meet the views of the department, to be ordered to Washington this fall, and directed to bring with me some of the chiefs and braves of the several tribes who reside in this Territory. A few of their principle men, who have an influence with their tribe, could do more good, by explaining the extent and resources of our government and people, than could be effected in any other way by the same amount of trouble and expense.

Since writing the above, we have received intelligence that an advance train of emigrants from this place for Oregon, numbering about thirty men and several women, have been attacked by Indians, and all the men killed, the women taken prisoners. The information was brought by Indians who profess to be and who have always been friendly to the whites. Mr. Bullock, the private secretary of the governor, is of the opinion that the information is true, as he has received it from a source which, he says, can be relied on; several circumstances seem to justify the report. For myself, I cannot believe it, yet it may be true. I shall, therefore, increase my number of men, if possible, and proceed without delay to ascertain the facts, and report to you by next mail, should anything serious have occurred. There is a great want of certain information relative to the condition and numbers of these bands or tribes, which renders it very difficult to form any opinion of the best course to pursue. From such information as I can get, they seem to have no fixed location, but assemble on the road as the season for emigration approaches; they then infest the road from the Goose Creek mountains to Carson valley, a distance of about five hundred miles.

We are in great confusion here; we want a few troops on this route very badly. The *white* Indians, I apprehend, are much more dangerous than the *red*. The renegades, deserters and thieves, who have had to fly from justice in California, have taken refuge in the mountains, and having associated themselves with the Indians, are more savage than the Indians themselves; by their cruelty to the whites, they have stimulated the Indians to acts of barbarity which they were never known to be guilty of before.

It has not been known until recently, although strongly suspected, that whites were engaged with these Indians, and believing that the Indians, alone, were the depredators, our people have shown them but little favor or kindness, often, no doubt, treating the innocent with

severity. This has produced a state of feeling unfriendly to the whites, generally; and although it cannot be said that we are really in a state of war with these Indians, yet the effect upon our people is the same. These Indians, by their frequent depredations on the whites, are supplying themselves with horses, arms, ammunition, &c., and if not checked, they will very shortly be able to make a formidable resistance.

The rugged state of the country, and their knowledge of the mountain passes will enable them to flee wherever and whenever they may wish; this will render it almost impossible to subdue them by waging war upon them.

The best mode to be pursued, at present, is to conciliate them, if possible, by kindness. Should this course prove unsuccessful, we shall then have left no other alternative but force.

The most intelligent of our citizens with whom I have conversed advised me, and seem anxious that I should make an effort, to quiet these Indians and give security to this route.

My feelings and judgment prompt me to do so; yet, having no instructions which seem to authorize me, I fear that the department may not justify me in the course I have taken. But when I look at the peculiar situation of this route at present—the great number of emigrants, and the vast amount of property which will pass this road, it is important that something should be done, and I cannot hesitate. And although the expedition will cost the government some money, I am clearly of the opinion that the peculiar situation of the country makes it necessary that the effort should be made.

I have had no instructions in relation to interpreters. I see, by your annual report, in your instructions to the agent in Texas, that you say "each agent will be allowed for the service of an interpreter within his district at the rate of seven hundred and thirty-three $\frac{33}{100}$ dollars per annum"—while the allowance, as stated in your appendix, is fixed at $500. I presume the $233 33 is for the purpose of defraying the expense of the interpreter. I have in my employment, as interpreter, a man who speaks the Snake and Ute languages. I find him much more convenient and useful than if he spoke but one language. Would it be proper to allow him an addition to the $500? He is very efficient; has been in the country several years, and is well acquainted with these tribes. I fear I shall not be able to retain his services at $500 and he pay his own expenses, as he can engage in no other business, and living is very dear. Why is it that agents in California are allowed $3,000 each, and those in Mexico and Utah but $1,550? The labor and expenses are as arduous and as costly in Utah as in California. Many articles necessary cost more than double the amount here that they do in California, and the general expenses of living are higher. I think they should be equal in salary; and, if I mistake not, I was led to believe that the salary of agent and other officers in this Territory would be increased.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA.

P. S. *May* 12.—In consequencc of the scarcity of horses and men, I have been compelled to delay, as I could not get a sufficient escort. I have been compelled to purchase horses, as the men I could get to go with me had none of their own. The horses I have purchased will command the same money if I should be able to return with them in good order, in which case the department will lose nothing.

I have drawn on the department for the sum of two thousand dollars, in favor of Holliday & Warner, dated May 13, 1852, which is for outfit and horses, and the equipment of twenty-seven men, all I can raise.

We received information this evening from Box Elder, seventy miles north of this city, that two hundred Indians, of the Pa-nack tribe, had made a move for the Humboldt, for the purpose of joining in the plunder of the emigrants. This intelligence compels me to start the force I have already equipped. I shall make an effort to engage more to-morrow, and follow them with all haste. I made this move from the extreme necessity of the case.

There being no one here to give me instructions, I must rely on the generosity of the department if I should have transcended my duties, for I really do not know what they are. I shall spare no pains or trouble to correct these abuses; and, should I fail, I shall be able to give the department such information as will be of importance for future operations, with as little expense as possible.

Yours, &c.,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

No. 12.

GREAT SALT LAKE CITY,
August 30, 1852.

SIR: I addressed you two communications from Carson valley, dated June 28 and July 19, in which I informed you of my operations up to that time. I subsequently visited a village of the Pi-Utah tribe of Indians, who reside in and about that region of country, numbering about three hundred and fifty, whom I found friendly disposed, but somewhat excited, on account of the frequent abuses which they had received from the whites. I held a talk with them of several hours—four of their chiefs and many of their principal men were present—in all of which they manifested the greatest friendship, and seemed very much pleased with the idea of being on friendly terms with the whites. They said they "did not wish to be mad with the whites, or to war with them; but that the whites had got mad with them, and were always at war with them; that they could not hunt or catch fish for their squaws and children, for fear of the whites, who were constantly shooting them; that the whites would profess friendship, call them to their camp, and shoot them; that the whites would steal their horses, and sometimes take them by force," with many other charges of an aggravated character. All this they said "they had borne

for a long time; at length, some of their young men determined to retaliate, and that they had killed as many whites as the whites had killed Indians, and taken as many horses from the whites as they had taken from them. They were now satisfied, and if the whites would let them alone, they would disturb the whites no further." They said they had "never wished to be at war with the whites; that they wished peace, and had kept from the road to be out of the way; that they could see them passing every day, but had not interrupted them in any manner, and that they would not, if the whites would let them alone." The candor with which they talked, and the seeming justice of their course, induced me to put much confidence in their professions of friendship. That they have been treated badly there is no doubt. These whites who loaf about the country, pretending to trade with the emigrants, are principally men of a reckless character, and care but little what they do; they even talked of driving me from the country, because I had manifested a disposition to protect and befriend the Indians. These Indians seem to be very poor; but few of them have guns; they use principally the bow and arrow. Two of the chiefs and six warriors returned with me to my camp. I gave them some provisions and a few presents, and sent the other two chiefs also a present. They were much pleased, and promised me that none of their men should disturb the whites in future. If the whites would pursue a friendly course towards these Indians, and treat them kindly, I do not think there would be any trouble with them. I travelled down Carson river to the desert, by slow marches, expecting to be able to find the whereabouts of another village; but they had moved off, and I could not learn where.

I crossed the desert on the 29th ult, and arrived in this city on the 22d inst. I travelled up the Humboldt, slowly, with the hope of meeting the Indians and their friends whom I had talked with on my trip out. In this hope I was, to some extent, disappointed. The vast number of emigrants on the road, and the disposition of some to kill the Indians, had kept the Indians from the road. I occasionally laid by, sent out my interpreter through the hills, and made every effort to collect them, but without success. Those I found were in small parties, very shy, but friendly. They informed me that the Indians I had seen and conversed with on my outward trip had told them that the great captain of the whites had sent them word to be friendly to the whites travelling through their country, and they intended to do so; and to prevent difficulty, they had moved their lodges far from the road. They were all much pleased with the kindness of myself and company, and promised that there should be no disturbance with the whites by any of their tribe; and, judging from the fact that there have been no depredations or attacks on the emigrant trains this season, during the whole route from the Goose Creek mountain to Carson valley, where last season not a train passed without murders and robberies, it seems they are determined to carry out their professions of friendship. On my return from Carson valley, along the whole source of the Humboldt, I met with hundreds of wagons daily, with many small companies, some on foot, some packing, and frequently a solitary traveller, and none had been molested, as they informed me,

by the Indians; many had not even guarded their stock at night, yet they had gone through without any difficulty.

There had been some few robberies, cattle or horses stolen, but those who were robbed assured me that it had been done by white men. In fact, I took the description, brands, &c., of several horses thus lost, and found two of them in the hands of the *traders* who had stationed themselves on the road; I took them in possession and disposed of them according to the direction of their owners. There has been a great many outbreaks and difficulties between the emigrants themselves; companies have quarreled, killed each other, and broken up; some, from their bad conduct, have been driven from their companies; many of these men are scattered over the road without means, living on the charity of others; they also steal and commit other depredations, which they endeavor to lay upon the Indians. The truth is, this portion of the emigration and these *pretended traders* are decidedly worse than the Indians, and cause nearly, if not all the troubles on the road. It is the univeral opinion of the emigrants that the Indians have been quiet and have acted friendly throughout, and that all the depredations are the acts of white men; these, however, have been few.

In getting up this expedition, as I have previously informed you, I was advised to do so by Governor Young, who afterwards refused to render me any assistance whatever. I have also informed you of his conduct in relation to the whole matter. I have used the utmost economy in every respect. I was compelled to purchase some horses for the expedition, but these I shall be able, after recruiting them a little, to sell at cost, or nearly so. I lost three; one got crippled, which I had to leave, another gave out, and one failed, so as to be unable to travel home, and I sold him for little or nothing. To save expense, as soon as I arrived in Carson valley I discharged as many of my men as I could spare, keeping only a sufficient number to answer the purpose of herding and guarding the horses, &c.

Not having time to make a detailed report of my operations by this mail, I merely write to inform you of my success, and my arrival in this city. In my September report I shall give you a full account of all matters, and have no doubt but the success of the expedition, as well as the expenditures, will meet the approbation of the department; for, judging from the difficulties which have occurred during the past two seasons, hundreds of lives and thousands of dollars worth of property have been saved, to say nothing of the suffering of the emigrants themselves; besides, the government is made acquainted with facts which will enable her to establish peace and quiet on this route in future. At present there is no difficulty on the road, so far as the Indians are concerned; but I fear the conduct of the whites may excite the Indians, and cause another outbreak. I had great difficulty in restraining the whites while there. I should have remained there until the emigrants had ceased passing, but the expense of living in that country is so great, and all seemed to be quiet, that I concluded it was best for me to return and discharge my men, as they were under pay of $25 per month, which was the lowest price at which I could engage them; those who furnished their own horses I allowed ten

dollars more, making $35 for the services of man and horse per month. This was low, considering the price of wages generally throughout this country.

With great respect, I remain, your obedient servant,

J. H. HOLEMAN,
Indian Agent, U. T.

Hon. L. LEA,
Commissioner of Indian Affairs, Washington City.

No. 13.

FORT BRIDGER, UTAH TERRITORY,
November 3, 1852.

SIR: During the past summer there has been some excitement with the Indians and whites in this Territory, in consequence of the establishment of a ferry and bridge across Green river by the legislature of Utah Territory. It seems that for several years previous ferries have been established by the mountaineers for the accommodation of travellers on the various roads crossing the river. At the last session of the legislature a charter was granted to a Mr. Moore, (a Mormon,) giving to him the exclusive privilege of ferrying, and thereby excluding all others; a certain portion of the tolls were set apart by this act for the benefit and use of the Mormon church. A charter was also granted to a company, (all Mormons,) for the purpose of building a bridge across this river. These charters, and the occupation of the country by the Mormons, have produced much excitement among the Indians, who express their disapprobation in the strongest terms. I received a few days since the following letter:

"FORT BRIDGER, *October* 9, 1852.

"DEAR SIR: I beg to call your attention to the disturbed state of the Snake Indians at this moment, in consequence of the occupation of a part of their country by the *Mormon whites*. Being an American citizen, and having the welfare and honor of my country in view, I believe it is imperative for you, without delay, to allay by all the means in your authority the present excitement. I saw the chiefs here in council at this fort, and heard them assert that they intended to immediately drive the whites from their lands, and much persuasion was used to pacify them for the present time. And now, dear sir, if you do not use the authority vested in you speedily, I do believe and fear scenes of destruction and bloodshed will soon ensue.

"Respectfully, yours,

"A. WILSON.

"Major J. H. HOLEMAN,
"*Indian Agent.*"

The above letter is from a gentlemen passing through the country on his return to the States from California, and who was remaining at Fort Bridger a few days. I visited immediately the section of

country alluded to, and found that a company of Mormons, under the charter of the legislature of Utah Territory, had assembled on Green river, and commenced the construction of a bridge; but finding so much opposition on the part of the Indians, they determined to abandon it for the present, and all have returned to Salt Lake City. This satisfied the Indians, who immediately left; all is quiet. The Mormons, I understand, intend to resume their efforts to build this bridge in the spring. The Indians, I also understand, have resolved that the Mormons shall neither occupy a ferry nor build a bridge on this river, which is some 160 miles from the settlements in Salt Lake valley. Both parties, I understand, are determined. Should the Mormons persist in their determination, a war will be the consequence, and great distress and suffering must follow, as it is on the main emigration route from and to California and Oregon.

In regard to the occupation of the Indian country under these charters from the legislature of the Territory, and their authority to grant them, I should be pleased to have advice and instructions immediately. Major Hockaday, who will hand you this, is fully advised of all the circumstances; I refer you to him for further information. In relation to these ferries and bridge, the charter provides that ten cents in every dollar received as toll shall be paid into the tithing office for the benefit of the church. This seems to me to be unconstitutional; advise me in relation to this matter. I am called upon almost daily for information and am not able to give it, not knowing the power of the territorial legislature.

I wish, also, advice in relation to the use of spirituous liquors. On the route from the States to Salt Lake City there are two establishments for the accommodation of travellers and emigration. I have given them license as Indian traders, being in the Indian country; they keep spirits for the use of the travel, but in no case do they permit the use of it by the Indians; they are what may be termed *tavern keepers*. If it is improper for me to allow them this privilege, please advise me.

The Mormon authorities have levied a tax on these mountaineers, and have collected it in some instances. As the tax is considered extravagant, and partly for the use and benefit of the Mormon church, it is producing much excitement, and I fear will produce bloodshed. These men declare their willingness to pay any tax which the government may demand, but refuse to pay a *Mormon tax*, as they term it. As I am frequently called upon for information on these subjects; I should like to be fully advised, as it may prevent difficulty and trouble in future.

Very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA,
Commissioner of Indian Affairs.

No. 14.

WEBBER STATION, *March* 5, 1853.

SIR: I addressed you a hasty note in November last, from Fort Bridger, in relation to difficulties between the Mormons and the Indians. I remained on Green river; had frequent conversations with the Indians, until all matters were quieted for the present; but I fear a disturbance if the country should be settled and occupied by the Mormons, or if they should attempt to build bridges and establish ferries, under the acts of the territorial legislature alluded to in my note of November last. I am at a loss to know how to act. I have so frequently asked for information and instructions on various matters without receiving any, that I fear my communications have not reached you. I hope, however, that they have not miscarried, and that I shall receive them by the first mail. We have not had a mail from the States since October. There has been so much snow that the mountains and roads have been impassable, except on foot, with snow shoes. I have been unable to reach Salt Lake. I was compelled to remain at Bridger until January, when a warm spell dissolved the snow, and I made an effort, but could get no further than this place, where I have been compelled to remain ever since—some three months—living upon the wild game that we could kill. There are three Mormon families living here. All they have to live on is flour. They have no meat but such as they can kill. From these we have been enabled to get bread, and such other accommodations as they can afford, but at a very high price, and none of the best at that. They have but a scant supply for themselves. I have remained here in this predicament on account of my horses, being satisfied that if I left them they would be lost. I have a hired man with me, and by our constant attention we have been enabled to save them through the winter. The snow is disappearing on the south hill sides; the grass is commencing to grow; and I hope to be able in a few days to reach Salt Lake City, when I will communicate to you more fully. There being no mails from this Territory to the States since October has prevented me from writing before. The mail carrier of October was compelled to leave his horses and part of his mail here, and take the letter bag to the city on foot. He has just arrived from the city with the March mail, after a laborious travel of five days, only forty miles, and will make an effort to reach the States. He reports the mountains impassable for horses, particularly weak as ours are, but I hope to be able to leave in a few days. You will please receive this as my excuse for not communicating to you at the end of each quarter.

My situation with Gov. Young, as superintendent, is rather an unpleasant one; while I feel disposed to treat all parties fairly, and protect the Indians, so as to prevent difficulties with the whites, he seems to have no other anxiety but to favor his own church and people. If things are not changed, I feel satisfied I can be of no great service to the Indian department. My course is well known to the department; I have acted from circumstances and to the best of my judgment, and hope that my conduct has been justified by the department. If

matters are not changed so as to produce a better feeling in the Mormons, towards the government; or if the authority and laws of the government are not enforced, if it should be the wishes of the department I would like to be called home, as my duty to the government compels me to act in such a manner as to give offence, frequently, to the Mormons, who seem to recognize no law but their own self-will. This is a very unpleasant situation and one that can be productive of not much service either to the government, to the Indians, or to myself. They seem desirous to hold all the offices themselves; and when a Gentile is appointed, he is never treated with respect, but is abused, let him do as he will. I have, and do yet, disregard their abuse, but feel that my efficiency as a government officer, is impaired by such conduct.

I have heretofore suggested to the department various matters, having taken some pains to acquire information, and at the expense of the government, and having formed a friendly acquaintance with the Indians, and made myself acquainted with the country, if my suggestions should meet the views of the department, I will, with pleasure, give them such attention as the department may direct, as I do not feel disposed to relinquish a duty imposed on me, however arduous and disagreeable the service may be, particularly having recommended them.

I have the honor to be, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. LUKE LEA,
Commissioner Indian Affairs.

P. S.—I have written in a great hurry, on a board on my knee; you will therefore excuse the scrawl.

J. H. H.

No. 15.

GREAT SALT LAKE CITY,
April 29, 1853.

SIR: I addressed you a hasty note on the 5th inst. from Webber, informing you of my situation and detention in the mountains by the snow. I succeeded in crossing the mountain, and, arrived here on the 20th inst., and as the mail will leave on the 1st of next month, I have thought it important to address you a few lines.

I think it probable we shall have something of a difficulty with a band of the Utah tribe of Indians, under the command of the celebrated chief Walker, who it seems is leagued with a small force of Spaniards or Mexicans, some of whom have been arrested, and are now in custody in this city, under the charge of having traded arms and ammunition to the Indians. The motive of the Indians I have not yet been able to learn. I was informed last December, while at Fort Bridger, that some threats had been made against the Mormons by a few Spaniards who had been arrested in Salt Lake under the charge of purchasing and trading for Indian children in the Territory,

to be taken to Mexico as slaves. They were tried and convicted, their property taken from them, and the Indian children, by order of court, placed in the hands of the whites as apprentices for a term of years, according to their respective ages, where they will be kindly treated. It seems that these children were prisoners taken by the Utah tribe of Indians from other tribes with whom they were at war. They have been in the habit of capturing or stealing these children for many years, and carried on a trade with the Spaniards, who purchased them for slaves. This practice it was thought advisable by the authorities to put a stop to; consequently the arrest and the release of the children alluded to. Recently the same kind of traffic was being carried on, with the addition, that arms and ammunition was liberally distributed among the Indians by the Spaniards. The authorities undertook to arrest this trade, when they were met by Walker, the chief, and his band of Utah Indians, who justified and defended the Spaniards, and threatened to kill every white man if they again interfered. There being only about eight of the whites, they were forced to submit. The governor, however, being on a visit in the neighborhood of these transactions, very promptly called out the militia, and ordered other preparations to meet the emergency. Considerable excitement prevails at present in consequence of the threats of these Spaniards, and the unfriendly appearance of the Indians. Their conduct, however, may have been exaggerated; if so, the fear is that the militia may go further than the conduct and acts of the Indians should justify. I hope, however, that they may act with prudence, and not provoke an unnecessary difficulty with the Indians. I have had no communication or advice from the governor, and as the transactions are taking place some two hundred miles from this city, I am unable to give any further information at present. The governor being in the vicinity, on what they call an "*exploring expedition*," he will, no doubt, adopt such measures as may be in his power to prevent any serious difficulty. What the result will be I am unable to say. These Spaniards, having expressed a determination to be revenged on the Mormons, to whom they attribute their arrest, may cause great distress and trouble in the more remote settlements, by exciting the Indians against them. Some of them, being already unfriendly towards the Mormons, for alleged past injuries, are the more easily excited. If, however, the excitement should not extend further than Walker's band, it will be easily allayed; but should it extend to the various tribes in the Territory, and the adjoining country, who may be induced to engage for the sake of plunder, it is difficult to predict where it will end, or what will be the result. Should there be a general outbreak, it will be caused by the whites pushing their settlements over the Indian country against their wishes or consent. The Indians have complained much on this subject.

This is another evidence, among many others, which I have presented to the department, of the importance of holding a treaty with the Indians in this Territory. It is very necessary, in order to peace and quiet, that the Indians, as well as the whites, should know their respective rights and privileges. This cannot be done satisfactorily without some treaty stipulations.

The Indians are becoming more and more excited as the Mormons extend their settlements. Some of them complain that they have been forced to give up their grounds so frequently that they will submit no longer. I do not allude to the Mormons for the purpose of exciting a prejudice against them, or to charge them with improper conduct, it is merely because no other whites are settling the country, and the Indians, in speaking of these settlements, allude to the Mormons and their conduct in relation to the settlement and occupation of the region of country about Salt Lake, in which they complain of great injustice and cruelty at the hands of the Mormons.

This "exploring party," with the governor at its head, may have hastened these unfriendly demonstrations on the part of the Indians, as I understand their object to be to search out rich valleys and prominent points for extending their settlements. Considering it important that the department should be in possession of these matters, I deem it my duty to make this communication.

I informed you, in my note of the 5th instant, it was not in my power to make my quarterly reports for December and March, in consequence of my situation in the mountains; nothing, however, of importance has occurred of which I have not advised you.

The superintendent being absent, I shall have to defer my report until June, when I hope to be able to make a satisfactory one. In the meantime, should anything occur of importance I will inform you.

The mail from the States, the first since October last, is expected by the 10th of May, by which I hope to receive some instructions from the department, and shall be prepared to obey them promptly. Should I receive none, and I should find it necessary, I shall again visit the Indians on the Humboldt and Carson rivers. They have been peaceable and friendly since my last year's visit, and express much anxiety that I should visit them again. Although a very troublesome and disagreeable trip, yet so much good may be effected by a visit to these Indians that it should not be neglected. I hope that the disturbances with the Indians in this neighborhood may not prevent it, should I find it to be necessary.

I have the honor to be, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA,
Commissioner of Indian Affairs.

No 16.

GREAT SALT LAKE CITY, U. T.,
May 12, 1857,

SIR: Enclosed you will find the application bond and license of E. L. Barnard, as Indian trader on the Truckie, Walker's, and Carson rivers in this territory.

Mr. Barnard is a gentleman of correct business habits, and resides in Carson valley, about thirty miles from the base of the mountain, on the main travelled road to California, and about 20 miles from the cañon, at which point there was last year some difficulties with the Washoes, who are a tribe of mountain Indians who roam though this section of the Territory, but principally in the mountains which divide this Territory from California. It is a point at which much may be done towards conciliating these Indians. As these Indians are of a roving disposition, have no fixed place of residence, but travel from one of these rivers to the other, I could not fix a point on either river. I gave, as you will see in the license, permission to trade on the rivers at any point at which the Indians may be assembled. I think it important that a friendly intercourse and association should be established with the Indians in this section. They have heretofore received much bad treatment from the whites in California, as well as emigrants and travellers on the road.

In a previous communication I asked information in relation to licences to traders: whether it was my duty, or my privilege to charge for them, and how I shall regulate my charges. I see in the communication of the agent for California, that charges are made when at points remote from the city; I have charged as a fee for issuing licences, a sum less in amount than would be necessary to pay the expenses of the individual to this city; in some cases where the individual was a man beloved by the Indians, and who would use his influence to promote the friendship and good feeling of the Indians towards the government, I have made no charges; those whose object was the profits of the trade I have charged. Those who have applied to me in my office I have charged nothing. I have also charged a small fee for passports; these duties are frequently attended with some trouble; in fact, I have visited the different sections for the purpose of giving these licenses and passports at my own individual expense; the individuals have always expressed a willingness to pay me for that trouble, as it saved them time and expense; I have forced none to pay; they have however, pledged me that in case there should be an additional amount required by the department they would pay it. Upon this subject I would like to be advised.

My course, as agent, does not suit the superintendent or the Mormons. They will, as I am informed, make some charges against me. If they should, I ask to be heard. Their excitement against me is occasioned more from the fact that I would not suffer them to drive me from the Territory, as they have done the other government officers, than from misconduct in the discharge of my official duties. The department, however, is acquainted with all my acts, and I hope they will view them differently from the Mormons. I have acted in all matters relating to my office from the best of my judgment, desiring to promote the interest of the government and the Indians in all cases; while those who oppose me are for *themselves*, leaving the government and the Indians to shift for *themselves* as they can. How I should like to see the reins of the general government pulled tight over Utah, and an obedience and respect for the laws of the United States strictly

observed by those self-willed "saints!" Sooner or later, depend upon it, it will have to be done.

I have the honor to be, very respectfully, your obedient servant,

J. H. HOLEMAN,
Indian Agent, Utah Territory.

Hon. L. LEA,
Commissioner Indian Affairs.

No. 17.

Report.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 10, 1854.

SIR: In view of the probability that Congress, at its present session, will make provision, by appropriation, for the negotiation of treaties with the Indian tribes in the Territory of Utah, and also of the 3d section of the act of Congress, approved February 27, 1851, entitled "An act making appropriations for the current and contingent expenses of the Indian department," which requires all treaties with Indian tribes to be negotiated by such officers and agents of the Indian department as the President of the United States may designate, I have the honor to suggest that you recommend immediately to Congress that provision be made by law for the appointment of a superintendent of Indian affairs in the Territory of Utah, and that so much of the 2d section of the act of Congress (U. S. Statutes at Large, vol. 9, page 453) entitled "An act to establish a territiorial government for Utah," approved September 9, 1850, as requires the governor of that Territory to perform the duties, and authorizes him to receive the emoluments of superintendent of Indian affairs therein, be repealed.

It is a public and well known fact that his excellency Brigham Young, the present governor, is also the head of the church of Latter Day Saints, and I am informed that the duties of his spiritual office require a large portion of his time and attention.

I should not, therefore, deem it good policy to superadd to the duties and responsibilities of his official positions as governor and head of the church the additional duty—one requiring time and deliberation, and to be performed most properly at points distant from the the seat of the government of the Territory, and of the spiritual hierarchy—of visiting and negotiating treaties with the various Indian tribes within the limits of the Territory.

As a precedent directly in point, I would respectfully refer to the legislation of Congress respecting the superintendency of Oregon.

By the 2d section of the act entitled "An act to establish the territorial government of Oregon," approved August 14, 1848, (U. S. Statutes at Large, vol. 9, page 324,) the governor of that Territory was made ex-officio superintendent of Indian affairs.

When, however, provision was made by Congress for the negotia-

tion of treaties with the Indian tribes in the Territory of Oregon, &c., by the act of June 5, 1850, (U. S. Statutes at Large, vol. 9, page 437,) so much of the act to "establish the territorial government," &c., above referred to, as required the governor to perform the duties, and authorized him to receive the emoluments of superintendent of Indian affairs, was repealed, and the President was authorized (sec 2, act June 5, 1850,) by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory.

I would here also remark that by the second section of the act of 27th of February, 1851, herein before referred to, it was provided "that, from and after the 30th day of June next, all laws or parts of laws now in force, providing for the appointment or employment of superintendents of Indian affairs for any of the Indian tribes east of the Rocky mountains, and north of New Mexico and Texas, shall be and the same are hereby repealed," &c., provided (among other things) "that the governor of Minnesota shall continue to be *ex-officio* superintendent of Indian affairs for that Territory until the President shall otherwise direct."—(Statutes at Large, L. & B., vol. 9, page 586.)

The legislative department of the United States government has thus indicated its opinion that a period may arrive, or circumstances occur in the course of events, when it becomes, or may become, good policy to separate the office of superintendent of Indian affairs from that of governor of a territory.

In my opinion, the present is a most proper juncture at which thus to separate the superintendency of Indian affairs in the Territory of Utah from the governorship of that Territory.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McClelland,
Secretary of the Interior.

No. 18.

Department of the Interior,
Office Indian Affairs, September 15, 1854.

Sir: I have the honor herein to enclose copies of communications from Lieutenant Fleming, commanding at Fort Laramie, and John M. Hockaday, esq., in which it is stated that the legislature of Utah has assumed jurisdiction over portions of the Territory to which the Indian title has never been extinguished, and that by granting ferry charters and other privileges to certain citizens, much dissatisfaction exists among the Indians; and that blood has been shed, and much disturbance created; and the question is asked, whether the legislature has the power to grant such charters, and to exercise rights, whether in counties organized by it or not, over lands to which the title of the Indians has not been extinguished by treaty.

Upon perusal of the act of Congress, approved the 9th of September, 1850, (see Statutes at Large, vol. IX, p. 453 to 458,) establishing this

Territory, I find no provisions giving to its legislature more authority over unceded lands than is given to other Territories by the acts for their establishment; but under the circumstances, and the peculiar organization of its population, I deemed it advisable to lay the subject before you for your consideration and advice, before replying to the communications.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. R. McClelland,
Secretary of the Interior.

No. 19.

Fort Laramie, Nebraska,
August 15, 1854.

Sir: A copy of a letter has been sent me, requesting me to forward the same to you for your decision thereon. There has been a great deal of trouble between the mountain men and the Mormons for some time past, which has resulted in the death of several persons on both sides. The mountain men have wives and children among the Snake Indians, and therefore claim the right to the Green river country, in virtue of the grant given them by the Indians, to whom the country belongs, as no treaty has yet been made to extinguish their title. The Mormons, on the other hand, claim jurisdiction over the country, paramount to all Indian titles, in virtue of its being in Utah Territory. Now, the question in issue, appears to me this: Since the country lies in the Territory of Utah, have the Mormons, or have they not, the right to dispose of the country to settlers, to dispose of its resources, revenues; and finally, everything in the country, or exercise judicial power over the revenues, before the *actual Indian title* has been extinguished.

These questions have been, and are now agitated among the people of the new Territories, have caused a great deal of trouble, and will cause more, unless permanently settled by proper authority. Since the large emigration to Oregon and California, the ferries, bridges, &c., have been very profitable investments.

Your decision in this case I consider of great importance, as it is time such things were settled, and unnecessary bloodshed saved by placing the right where it properly belongs. Both parties contend for the right, and I might add, I think, both equally honest in their convictions.

Enclosed, I forward the letter for your decision.

I am, sir, very respectfully, your obedient servant,

H. B. FLEMING,
Second Lieut. 6th Inf. Comd'g Fort Laramie.

Hon. Mr. Manypenny,
Com. of Indian Affairs, Washington, D. C.

No. 20.

GREAT SALT LAKE CITY,
Territory of Utah, June 17, 1854.

SIR: Whereas the boundaries of Green River county, in the Territory of Utah, were defined and attached to Great Salt Lake county, for "election, revenue, and judicial purposes," by a special act of the legislature of said Territory, approved March 3, 1852, and was detached from said Great Salt Lake county, by another act of said legislature, approved January 13, 1854, and is now organized with its judiciary and officers, and lies in the first judicial district of the United States courts for said Territory; and whereas an act was passed by said legislature, approved January 17, 1853, granting a charter unto Daniel H. Wells, esq., the right to erect ferries for the conveyance of stock, wagons, passengers, &c., over Green river, in said county of Green River, in said Territory, on the lands claimed by the tribe of Shoshonee Indians, and which said charter or right of erecting ferries has been transferred by said Wells to others, and at present Captain W. J. Hanley, James H. Jones and John Kerr, (of the firm of Jones & Kerr,) Francis M. Russell, and John M. Russell, are proprietors of said ferries, (the said charter expiring on the 15th day of May, A. D. 1856;) and

Whereas the Shoshones are displeased with the said granting of such charter, and being in possession of white men not married into their nation or tribe, and claim the right and jurisdiction of granting or giving the land, timber, river, and the right of erecting ferries, to whom they please, claiming all as belonging to them, on their lands in said Green River county; and that they have given the said river and the right of erecting ferries on the same to the white men that have married squaws of their tribe, and have children among them; and which said ferries, or the right thereof, said white men claim, contending that there has been no treaty made with the Indians, and that the land, timber, river, &c., legally belong to them, until purchased of them by treaty with the United States government, and that the legislature of the Territory of Utah have no right or authority to grant such charter on Indian lands; but are willing to submit the same to the decision of the legal and constituted authority at Washington city:

Now, in order to allay all excitement or ill feeling that may exist iu the breasts of said Indians or white men at the present time, in regard to said ferries, and to conduce to peace now and hereafter, we send this letter of inquiry to you, that we may have your honorable opinion or decision of the same: Whether or not the said legislature of Utah have the grant charters for ferries on Green river, or any other river or water in said Territory, whether in organized counties or not, where said river and lands are claimed by the Indians? If said legislature have not, we wish to be informed, and have the matter in dispute settled at the proper department, and an answer returned at

as early a day as possible; and to which decision all concerned will cheerfully submit.

With sentiments of respect, I have the honor to be your obedient servant,

J. M. HOCKADAY,
Selected by the parties to address you this letter of inquiry.

Hon. Mr. MANYPENNY,
Chief of the Bureau Department of Indian Affairs,
Washington city, D. C.

N. B.—Please direct your answer to the commanding officer at Fort Laramie.

No. 20½.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, March 21, 1855.

SIR: I have the honor to inform you that, on the 8th of August last, I addressed a communication to Governor Young, of the Territory of Utah, informing him that Congress had, on the 31st of July, 1854, appropriated the sum of "Forty-five thousand dollars for the expenses of negotiating treaties with, and making presents of goods and provisions to the Indian tribes in the Territory of Utah." I stated to him that I deemed the sum ample to make treaties with all the tribes of the Territory, and hoped it would lay the foundation for pacific and satisfactory relations there. I requested him to inform me, on the receipt of my communication, of the nature, kind and quantities of goods and presents that would be necessary for the purpose, not forgetting that the expenses of transportation of food at the councils, and incidental expenses of making the treaties would have to be deducted from said appropriation, which must in no event be exceeded. I also desired his opinion with regard to sending some implements of husbandry in place of the usual presents, and requested him to send me a skeleton map of the Territory, showing the tract of country occupied or claimed by each tribe, the nature of the tenure, and the extent of each tract in square miles or acres; and that he would report all matters of information which might, in his opinion, be useful to enable the department to furnish instructions as the basis of the contemplated treaties.

I urged upon him immediate attention to this matter, so that preparations might be made to send, at an early day in the spring, such articles as it would be necessary to procure in the States.

On the 30th of September, he replied to this communication that he would send the information desired by the next mail; no such information, however has been received.

I, therefore, submit for your consideration and advice what course shall be taken in the premises, in view of the change it is understood has taken place in the executive of that Territory.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. MCCLELLAND,
Secretary of the Interior.

No. 20¾.

DEPARTMENT OF THE INTERIOR,
March 22, 1855.

SIR: I have received your letter of yesterday, informing the department of the nature of the instructions which you have forwarded to Governor Young, of Utah, under date of August 8, 1854, preparatory to negotiating with the Indian tribes therein, as provided for in the act of 31st July last; that Governor Young had replied on the 30th of September last, that he would forward the information by the next mail, but that it had not been received at your office, and asking advice as to "what course shall be taken in the premises, in view of the change which, it is understood, has taken place in the executive of that Territory," and in reply have to say, that I do not see that you can do better than to repeat your instructions to the newly appointed governor.

Very respectfully, your obedient servant,

R. McCLELLAND,
Secretary.

Hon. GEO. W. MANYPENNY,
Commissioner of Indian Affairs.

No. 21.

OFFICE SUPERINTENDENT, U. T.,
Great Salt Lake City, June 26, 1855.

SIR: In reflecting upon the situation of the Indian affairs in this Territory, and the manner in which I have been treated by the department as regards the expenditures of this superintendency, I feel constrained to lay before you a short synopsis of its history, that your mind may be refreshed and enabled to perceive things in their true light.

From the very beginning I sought instructions from the department in relation to the policy wished to be adopted and carried out by the government towards and with the Indians of this Territory. It was one year after I commenced the discharge of my official duties before I obtained even an office copy of the laws, regulations, and intercourse with the Indians, and forms were frequently solicited; finally, after much solicitation I received a letter from Commissioner Lea, from which I make the following extract:

"The remoteness of Utah from Washington, and the little that is known here of the Indians in that Territory, render it necessary that the management of our Indian affairs in that quarter be left almost entirely to your discretion and judgment."

This letter is dated February 20, 1852, and I will say, was the most definite of any thing that I have ever received from the department upon that subject. As to *forms* and *blanks* for my accounts, there

has never been any furnished to the office of superintendent. Agent Holeman and some of the other agents and sub-agents have had them furnished, but none has ever been allowed to me. I merely mention these facts, that while the department actually placed the whole responsibility of dealing and managing with the Indians upon me, they did not furnish me with either the necessary instructions or the usual facilities of other Territories to perform this duty, and have actually refused to pay a clerk to assist me. Here, also, permit me to remark that the Territory had no agent, and but one sub-agent for the first two years. The agent did not come until late in the fall of 1852, and he left, being relieved from his office by the appointment of his successor, Agent E. A. Bedell, in the fall of 1853. Major Bedell left early the ensuing spring, intending to return the same fall with his family, but died on his outward trip

In the winter of 1854 Doctor Garland Hurt, the present incumbent, arrived, and has since been in the active discharge of his duties. You will thus perceive, that during the nearly five years of our organization, there has been but one agent at the scene of his duties only about one-half of the time, and only one sub-agent at any time, as Mr. Day returned the same season that he came, and the office he held abolished. By this statement you will also perceive that I have personally been obliged to travel and attend to the business pertaining to this superintendency, which would naturally have devolved upon the agent and sub-agents, and actually to perform the duties, not only of my office, but during their absence, those usually assigned to them.

From this statement, it should not appear strange, that my accounts should be somewhat larger than they otherwise would have been, nor that they should always have been made out in the proper form, nor expenditures made in accordance with regulations.

Upon these points I supposed that I had the confidence of the government, having complied with all the requirements that I knew of, and have been as economical as possible in my expenditures. I considered myself sustained in this opinion by a letter received from the department, dated November 15, 1853, from which I make the following extract:

"I am not aware of any delinquency on your part in not observing all the regulations of the department." I was also informed in this letter that my accounts up to the 30th of September, inclusive, had been received; that my draft would be paid upon presentation, and that the accounts would be examined, and the proper parties informed of the result; this letter is signed by Geo. W. Manypenny, the present incumbent. It is needless to say, that I had faithfully complied in making out those accounts with the instructions I had previously received from Commissioner Manypenny, as set forth in circular, dated June 6, 1853, which reads as follows: "All disbursements for travelling expenses, therefore, that may hereafter be made by agents, or other officers of this department, must be accounted for by the production of the receipt of the payee, with the usual certificate of the officer making such payment, accompanied by an explanation showing on what account, and why such expense is incurred. But in cases where it is impracticable for the said disbursing officer to obtain such re-

ceipts from the payee, a memorandum should be made of such expenditure, however small or irregular, and a return made thereof, without the process of aggregating or commuting, and the certificate, on honor, of its payment, by such officer accompanied by such explanation as the propriety and reasonableness of the expenditure as would cover the case, should be attached to said return."

We are also informed of the good intentions of the department in the closing article of the same circular, as follows:

"The department will endeavor to mete out a determined and even-handed justice in this matter, and allow no mere charge for expense of travelling, unless it shall appear to have been necessarily incurred in the proper discharge of the duties devolved upon its officers."

My accounts, as before stated, were made out and certified in this manner, as it also corresponded with the regulations as I understood them. I am aware this circular was designed to dispense with the system of commutation by mileage for travelling expenses, which had, it appears, been practiced by many of the agents to the detriment of the public interest. As I had never charged for travelling expenses by mileage, or otherwise, I did not consider that this circular applied particularly to me; but I seized upon it, in the absence of any other instructions upon this subject, as containing some valuable hints which might be applied to the making out and settlement of my accounts.

Now, it is possible that you may think, what has all this to do with you? I answer, simply this: that for the last two years, I have experienced the greatest difficulty in getting my accounts adjusted at the department, and when they have finally been so adjusted, that it has been done by *suspending* and *disallowing* a great portion thereof, as I consider, upon the most *flimsy* pretexts. It should always be remembered that never a dollar has been *advanced* to this Territory for the use of the Indian department. The superintendent and agents have been obliged, generally, and in most instances, to assume personally, and, unfortunately for them, pay any expense which they have so contracted. This applies more particularly to the superintendent, who has heretofore actually performed much the largest share of the business.

I will give one instance: Accounts, says the Commissioner, of issues to the Indians, must be certified to by an interpreter, or person being present at said issue; and again, no property return, although it is well known that no such law or regulation exists requiring the certificate of an interpreter, nor has the government ever advanced any funds for the purchase of property. I have only purchased property or articles for presents to Indians when it was absolutely necessary for to do so; the vouchers exhibit plainly and uniformly from whom purchased, and to whom issued; the purchases have always been made upon my own responsibility, as I could not obtaim them upon any draft which I could draw upon the department; when I did venture to do so they were protested, and I had them to pay here, until I made an arrangement through our delegate, as agent to draw the money when it could be obtained, and make my drafts upon him, which he generally had to let go to protest, or pay them

out of other funds. I finally found it of no use, but to send my drafts to him, and not attempt to act upon them, or upon any dependence of receiving anything from the department. To you this is not strange, because you know that I have only received for the last two years five thousand dollars, and you have disallowed and suspended accounts running back into the time of your predecessor, which had, as I supposed been satisfactory, and were paid by him. By this means you have brought me in debt to the department.

I observe by forms which have been furnished by the department, and deposited in my office by the agent, that the form of certificate is made out on honor by the person disbursing either presents or payment of accounts, and there is no provision for the certifiate of an interpreter. I wish however, for the department to understand that I do not object to furnishing such certificate, nor indeed any other which may be required, but I do object to leaving my accounts disallowed and suspended from year to year, when your requirements have always been strictly complied with. All that has been necessary at any time to have them so furnished was to let me know what was wanted; of this you have been assured time and again, and do know that your requirements have universally been complied with.

If hereafter you should wish for different, or more extensive evidence, and you should so instruct, and will let those instructions apply to the future instead of the past, a great deal of trouble might be avoided.

In regard to service, I have travelled from 800 to 1,000 miles every year during my administration, among the Indians, and have never failed in exercising a very favorable influence upon them. Many are now employed in raising grain; many more are intending to turn their attention to that branch of industry. Many of their children are living with the inhabitants of the Territory; clothed, fed, and schooled the same as their own children; and although such matters are slow in coming around, yet I can truly say that a very favorable impression has been made.

One word more in relation to the evidence of issue to the Indians. The requirement of having them certified by an interpreter, although without law, regulation, or instructions, until "disallowances and suspensions for want of evidence of issue came to hand, was nevertheless immediately complied with, and again forwarded. With this compliance I fondly hoped there would be no further difficulty in allowing my accounts, and that all would have gone off satisfactorily. Vain hope! Was again advised of the inadmissibility of the testimony, and want of evidence of issue to Indians; it now flashed upon my mind, that the "*to mete out a determined and even-handed justice by the department*" consisted in keeping the money and making me pay their honest debts. I say "it flashed upon my mind." I will add, it was practically demonstrated by my having to pay the money.

Why was this? I am dependent upon *oral* testimony for what I now state, though it is from high and unquestionable authority. One of the interpreters, who had always been present with me, and who signed those certificates of issue, happened to be Mr. D. B. Hunt-

ington. "Who is he?" inquired the penetrating Commissioner, while seeking for some other excuse for not paying the accounts.

"Why," says Mr. ———, "he is a brother-in-law to Governor Young." "Indeed! indeed!!" exclaims the sapient Commissioner; "that is sufficient. He is not to be credited for a moment." Accordingly, I again received a note that my accounts must be certified to by disinterested witnesses, who were present at the issue, and that Mr. Huntington's testimony was inadmissible, as he did not appear as an employé, but as a trader. This explains a little to me. It, together with other circumstances, reveals to me a determined and settled policy, on the part of the department, to mete out nothing at all to Utah, no matter how much might be done for the Indians, or how well the papers are made out or certified. Coupled with the actions of the War Department upon the accounts for the suppression of Indian hostilities, for which never yet a half dime (has) been paid by the general government, we have a standard value of complaint—according to the mode of the United States estimating everything in dollars and cents—of $39,354 50; which complaint might be sensibly diminished by the prompt payment of that part actually assumed and paid by the Territory, so far as the appropriations are made, and will justify. I have never asked for anything more, nor do I care a groat whether the department or the government ever contribute a penny towards the support of the Indian relations, for the suppression of Indian hostilities, or any other public purpose or object in or for the Territory of Utah. If they will only come out boldly, and say that they do not wish or intend to, instead of eternally thrusting in the dark, taking shelter behind such trivial, vain subterfuges as such men as you can hatch up. I have not the confidence to believe that we could make out a paper that would be satisfactory to your *sceptical brain*. Judging from the manner in which these matters have been treated by the department, I should conclude that you did not believe there were any Indians in the Territory, or, if there were, that it was necessary to expend anything to maintain friendly intercourse with them.

I should also conclude the government did not believe that there had been any Indian hostilities here. One thing is sure, and your actions prove it most conclusively, that you either possess the most regardless indifference, or you most studiously endeavor to "mete out a determined and even-handed" injustice so far as regards this Territory.

I have never failed scrupulously complying with all of your instructions and requirements, and have always solicited more, and would have been glad to have received and complied with them, so far as it was in my power to have done so.

I have always forwarded a report every quarter, accompanying my accounts, all of which, I find, slumber among the rubbish, only one of which appeared in your report of 1853, and none at all in 1854. For this I care nothing, as I am not particularly ambitious of appearing in the accompanying documents. But I give you fair warning, that if you do not pay those accounts or claims, and act a little more accommodating in future, that I shall print them myself as I see

proper. It is an old saying, "that enough is as good as a feast." I will, therefore, close this communication by merely stating that the quarterly accounts ending the 30th of this month, together with my report, will be forwarded with the July mail.

Not promising but that I may print this also,

I remain, distinguished sir, very respectfully, your obedient servant,

BRIGHAM YOUNG,
Gov. and ex-officio Sup't Indian Affairs Utah Territory.

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington, D. C.

No. 22.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, July 10, 1855.

SIR: I have the honor to transmit herewith for your consideration a copy of a letter received by this office from Agent Hurt of the 2d of May last, in which he states that the Mormons, at their last semi-annual conference, nominated a large number of missionaries to go among the Indians of Utah Territory for the avowed purpose of preaching to them; that these *saints* have either accidentally or purposely created a distinction in the minds of the Indian tribes of the Territory between the Mormons and the citizens of the United States which must prove prejudicial to the interests of the latter. He recommends that the attention of the superintendent, agents, and sub-agents be called to this subject, and that the conduct of those missionaries be subjected to the strictest scrutiny, with a view to the enforcement of the act of 1834, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

I deem this a subject of importance, and have to suggest, for the purpose of obtaining your advice and instruction, whether the recommendation of Mr. Hurt respecting the notification of the superintendents, agents, and sub-agents within the Territories to scrutinize the conduct of said missionaries should be adopted, or otherwise the best course, in your opinion, to be pursued in the premises.

In view of the position of Agent Hurt, I would also suggest that whatever course you may deem proper to pursue be kept confidential, so that the agent may not incur the ill-will of the Mormons.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. R. MCCLELLAND,
Secretary of the Interior.

No. 23.

GREAT SALT LAKE CITY, U. T.,
May 2, 1855.

SIR: Permit me to call your attention to some facts which I do not feel myself altogether at liberty to remain silent upon.

At the last semi-annual conference of the Latter Day Saints, a large number of missionaries were nominated to go and preach to the Indians, or Lamonites, as they are here called. Now, since my arrival in this Territory, I have become satisfied that these saints have, either accidentally or purposely, created a distinction, in the minds of the Indian tribes of this Territory, between the Mormons and the people of the United States, that cannot act otherwise than prejudicial to the interests of the latter. And what, sir, may we expect of these missionaries? There is perhaps not a tribe on the continent that will not be visited by one or more of them. I suspect their first object will be to teach those wretched savages that they are the rightful owners of the American soil, and that it has been wrongfully taken from them by the whites, and that the Great Spirit had sent the Mormons among them to help them recover their rights.

The character of many of those who have been nominated is calculated to confirm this view of the case. They embrace a class of rude and lawless young men, such as might be regarded as a curse to any civilized community. But I do not wish to excite prejudice or encourage feelings of hostility against these people. On the contrary, I think such a course would be unwise and impolitic. They always have and ever will thrive by persecution. They know well the effect it has had upon them, and, consequently, crave to be persecuted. It is due to many of them, however, to say that they are honest in the belief that they are the only Christians on earth, and that God is about to redeem the world from sin and establish His millenium. It is possible, too, that many of them are loyal in their feelings to the United States, but, perhaps, this cannot be said of many of their leaders. But time will convince many of them of their errors; many of their prophecies must come true in a few years, or doubt will take the place of sanguine hope, and will do more to relax their energies and weaken their strength than anything else could do at this time.

My object in writing is to suggest that the attention of all superintendents, agents, and sub-agents, and all other loyal citizens residing or sojourning in the Indian country, be called to this subject, that the conduct of these Mormon missionaries be subjected to the strictest scrutiny, and that the thirteenth and fourteenth sections of the "*Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,*" *be properly enforced.*

Very respectfully, &c.,

GARLAND HURT,
Indian Agent for Utah.

Hon. GEO. W. MANYPENNY,
Commissioner of Indian Affairs, Washington, D. C.

P. S.—In proof of the facts before stated, I would say that I have had great difficulty in procuring an interpreter, though there are many persons in the Territory who speak the Indian language, but they were all nominated as missionaries, and I was forced to the humiliating necessity of imploring the clemency of his excellency Brigham Young to permit one of them to remain with me. I never saw any people in my life who were so completely under the influence of one man.

G. H.

No. 24.

Memoranda for Secretary of the Interior.

OFFICE OF INDIAN AFFAIRS,
August 15, 1855.

In the letter from this office to you of the 10th ultimo, transmitting a copy of a letter from Agent Hurt, respecting the contemplated movements of Mormon missionaries among the Indians of Utah, and the Indian tribes generally, it was my purpose to have made the subject embrace the Indians generally, although by oversight it was confined to the tribes in Utah, for the agent states that, "There is perhaps not a tribe on the continent that will not be visited by one or more of these missionaries."

As the subject was deemed important, it was presented for your consideration and advice, with a view to the soundness of the policy of instructing the superintendents, agents, and sub-agents throughout the Indian country to watch with an eye of vigilance the movements of the Mormons, and in case their efforts, under the guise of missionary labors, should tend to create a spirit of insubordination among the Indians averse to the interests of the government, that they immediately notify the department.

The intercourse act of 1834 provides, section 13, "That if any citizen or other person residing within the United States or the territory thereof, shall send any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty, or other law of the United States, *or to disturb the peace and tranquility of the United States*, he shall forfeit and pay the sum of two thousand dollars." And the last clause of section 15 reads as follows, viz: "*or in case any citizen or other person shall alienate, or attempt to alienate the confidence of any Indian or Indians from the government of the United States*, he shall forfeit the sum of one thousand dollars." And again it is provided by the 23d section, "That it shall be lawful for the military force of the United States to be employed in such manner, and under such regulations, as the President may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this act," &c.

The suspicions which the agent throws upon the character of those

Mormons engaged as missionaries are such as may make it necessary as a precautionary step to preserve the harmony of our relations with the Indian tribes, to instruct the superintendents, agents, and sub-agents, to scrutinize the conduct of Mormons and all others suspected of having a design to interrupt the peace and tranquility between the Indians and the government.

CHARLES E. MIX,
Acting Commissioner.

No. 24½.

GREAT SALT LAKE CITY, U. T.
April 5, 1855.

SIR: You may be aware that I had instructions from the War Department to demand the surrender of some of Captain Gunnison's murderers. Discovering that any attempt to seize them would be certainly resented, I felt it proper, for manifest reasons, to advise with Governor Young before visiting the Pah-vants. The governor assured me that he knew the Indians well, and that not one of the criminals could be obtained, unless by some appeal to the avarice of their chiefs; and he advised me to offer to War-kar and Kinosh-a a few ponies, &c, which I did. Six of the Indians engaged in the massacre were surrendered, and Dr. Hurt, the Indian agent, kindly redeemed the promise made by me. Since that event, it seemed to me eminently proper to show our sense of such remarkably good conduct, and I caused some more presents (for which the agent also paid) to be given to the tribe. The whole value of these presents will amount to about $500, which, I question not, you will, under the peculiar circumstances of the case, permit to be deducted from sum appropriated by Congress for the Utahs. In any event please hold me solely responsible. I also found it necessary to expend some money in aiding the chiefs to get witnesses, &c., before the court; also to issue provisions for a few days to many Indians attending the trial; but in fairness these items should likewise be deducted; but of that you can judge best. I will write on the subject to the quartermaster and commissary generals.

The trial was abortive; but it will, notwithstanding, have two good effects: one upon the savages, the other upon the general government, which will now understand the undue sympathy felt by the Mormons for the Indians. I have no idea whatever that the prominent Mormon authorities would aid or countenance active hostilities by the government against the Utahs; and in my opinion it is a matter requiring the immediate attention of the Indian Bureau. Permit me to add, in this connexion, that I do not believe the Indian policy of Governor Young to be correct; but of that it is probably best that Dr. Hurt shall advise you.

These savages have undoubtedly learned from Dr. Hurt and myself, *for the first time*, what relation they hold to the government, and that to *it alone* they must look for encouragement in well doing, or chastisement for misconduct.

I will take the liberty to invoke your aid of the course Dr. Hurt has resolved upon towards the Indians in his charge, for it seems to me to be the wisest and most philanthropic possible. One feature, especially should commend itself to you and to every one—the encouragement he proposes to give the Indians to cultivate the soil, and to live upon their own labor. The Mormons, (to their credit be it said, whatever may have been their motive,) have done *something* towards this end; the agent wished to exert himself further and more effectually towards the same end; and I would earnestly ask the support of the government to his consistent and benevolent efforts.

I have the honor to be, very respectfully, your obedient servant,
E. J. STEPTOE,
Brevet Lieutenant Colonel United States Army.

Hon. G. W. MANYPENNY,
Commissioner of Indian Affairs, Washington City, D. C.

April 15.—Permit to suggest, that as the Pah-vant criminals, recently tried and sentenced to imprisonment have actually escaped, and so received no punishment at all, it might be good policy to award to them but a small portion (if any) of the moneys voted by Congress to the Utahs. This would impress upon them still further the necessity of future good conduct.

No. 25.

OFFICE INDIAN AGENT, UTAH,
Great Salt Lake City, August 30, 1856.

SIR: As your letter of July 9, and copies of those of November 14 and March 19 were received on the 28th instant, which informed me of the non-acceptance of draft No. 18, I take occasion to make a brief statement of the motives that prompted me to pursue the course which I have.

Soon after my arrival in the Territory, (February, 1855,) I became impressed with the fact that the Indians had made a distinction between *Mormons* and *Americans*, which was calculated to operate to the prejudice of the interests and policy of government towards them. I have endeavored to apprise you heretofore of the policy of the *Church of Jesus Christ of Latter Day Saints*, of sending missionaries among these Indians, and of the character of the persons generally chosen. These facts were embodied in a letter to you, (April 28, 1855.) I determined to counteract these impressions if possible, but in attempting to do so, a liberal policy was necessary, otherwise their prejudices towards government, and myself as its agent, might have been confirmed. As the course pursued by his excellency Brigham Young has been a liberal one in making presents to them, I thought it inexpedient to relinquish that policy unless a better and more popular one could have been adopted immediately in its stead. And in fact, I was not authorized to deviate from his policy, for in a letter from your office I had been directed to look to him for all my instructions in the

discharge of my official duties. And I have letters of instruction from him authorizing all the expenditures that I have made since entering upon the discharge of the duties of this office. I confess, however, that the policy of introducing manual labor among them was suggested by myself; but even in that I have received his most cordial approbation. Believing this to be the more judicious policy, it has been my chief concern to impress this fact upon your notice through his excellency. Consequently, in all my quarterly communications I have alluded to this subject with the liveliest feeling of interest. Being fully convinced of the propriety and necessity of this policy I applied through him, (for I supposed that the proper channel,) on the 31st of December last, for an appropriation to meet my expenses in this undertaking. And as necessity required in the progress of this enterprise I drew for money, and as I was not yet advised of any other provision having been made to meet my engagements, I drew upon the fund for incidental expenses. I had used all diligence to have the necessary provision made; my engagements were such that I could not relinquish them. To have done so would have been disastrous in the extreme, blighting at once, and perhaps forever, the growing confidence which was rising in the minds of the Indians towards government and its accredited agents; and it was reasonable to suppose that his excellency, after having encouraged me in every way possible in the policy of farming, would have relinquished in some degree his own peculiar policy, that a larger portion of the funds appropriated might be applied to that of farming, as he was fully advised of the course I expected to pursue and had given his sanction to the same. But, contrary to my expectations, so soon as spring opened I received a note from him, requesting me to make a visit to the valleys of the Humboldt, Carson and Tincky rivers, which he knew would require an absence of near four months from my farms, after I had adopted such measures as rendered it impossible for me to retrace my steps and when the trip could not be made without the expenditure of some five or six thousand dollars of the funds on hand. But no doubt his excellency saw a necessity for these arrangements, and I confess it does not become me to speak in terms so plain of a superior officer. But I am charged in your letter of the 19th March, with neglecting to consult his excellency and Agent Armstrong as to the manner in which the public funds should be taken up. I feel it due to myself to make these explanations; and I will say further, that I called at his office directly after receiving the letter of instructions to visit Carson, and expressed my fears that there would not be funds enough to meet our engagements for farming purposes; that the agency had been expensive during the winter; that I had been purchasing stock and farming implements, breadstuffs, &c., and that I had fears of overrunning the appropriation. His only reply was that he had no doubt but my drafts would all be paid. The policy of giving presents to the Indians is a popular one with them, but its benefits are of a transient character, and leaves them disappointed and dissatisfied, or to remain a burden upon the government and our citizens without any permanent good. Any one conversant with the feelings and prejudices which prevailed for some months after my arrival in the Territory, will bear me out in the opinion that my policy has been the best that could have been pursued under the circumstances, and has in all probability averted some of the most serious calamities that could have arisen between the two races.

Very respectfully, your obedient servant,

GARLAND HURT,
Indian Agent, Utah.

Hon. GEO. W. MANYPENNY,
Commissioner Indian Affairs, Washington, D. C.

No. 26.

OFFICE OF INDIAN AGENT, UTAH TERRITORY,
October 31, 1856.

SIR: Having just returned from an excursion in the southern settlements, in company with Surveyor General Burr and Mr. Peltro, late of the topographical corps, I take the liberty of presenting to your notice a few incidents of rather mysterious and otherwise unpleasant character, which occurred to us during the trip. Travelling by way of the Indian farm in Sanpito county, we reached Fillmore on the morning of the 23d instant; but learning that Kinosh, the Pah-vante chief, was very sick, we concluded to go on to the Indian farm at Corn creek to see him. But we had not proceeded far till we saw, between us and the base of the mountains, two persons on horseback going in the direction of the Indian lodges at full speed. I supposed them to be Indians, but before we reached the Indian settlement we saw them returning by the same route. When we drew up to the lodges I asked who they were? the Indians said they were Mormon boys, and on inquiring what they had come down in such a hurry for, they answered, Nothing! After some little confusion when we first drove up, the Indians became quiet, and appeared glad to see us. We remained with them until the 25th, when, as the weather was becoming more inclement, we returned to Fillmore, and put up at the house of Mr. Peter Robinson, where we were received and entertained in a hospitable manner. In the evening we were visited by Mr. Edwin Pugh, who invited two young men of our party, R. W. James and James White, to accompany him to his house, which they did; but they had not been there long till some persons began to stone the house, some of the rocks passing through the windows and smashing the lights. Mr. P. ran out and asked what they meant? They asked what he was doing with those damned Americans about his house? Mr. P. said they were not Americans, but Mormons. They replied that they were no better than Americans, or they would not be with them. I state these facts as they were related to us the next morning by the young men. Mr. Pugh also informed us that the young men who went ahead of us in such haste to the Indian camp had been sent by the bishop to tell the Indians that the Americans were coming to their camp to arrest the murderers of Captain Gunnison, and to advise them to look out. As we were about leaving, I did not investigate the

matter any further. But as the subject came up again in the evening, after we had camped for the night, I thought to ask Pin-tuts, who had accompanied us from Spanish fork, if he had heard the Pah-vantes say anything about it; he said when he reached their camps, some two or three miles ahead of us, the Pah-vantes were in great confusion, and some of them were running off. They said that the Mormons had sent them word that the Americans were coming to tie them, but he told them that they were fools, for we were not tying captains, but friends, and were coming to give them presents. On the next day some teamsters, whom we met, asked Pin-tuts who we were; the Indian replied that we were Americans. They told him that we were "cots-at," (not good.) He told them they were fools, and passed on. Now I am satisfied, sir, that you cannot approve of such conduct, and may easily imagine how direful the consequences might have been to our little party, when we, unsuspectingly, drove up to their village and camped for the night, had it not been for the interposition of our faithful friend and guide in behalf of our innocence.

Soon after commencing my labors among the Indians of this Territory, I learned that they made a distinction between the Mormons and Americans, which I thought was not altogether compatible with correct policy, believing that it would ultimately operate to the prejudice of one or the other party, and I have not been backward in expressing my views on all suitable occasions, to the people in regard to this matter, and have almost invariably, as my interpreters will certify, took occasion in my intercourse with the Indians, to teach them that there is no distinction between the two classes, but that we were all the Great Father's people. If they believe me they will accuse the opposite party with lying and attempting to deceive them, and then how easy it will be for men to imagine that I am stirring up prejudices among the Indians against the people, and the foul aspersions of slander will brand me, and I am to be hunted down for crimes of which they, themselves, are the guilty perpetrators.

I am not unmindful of the delicate position I occupy as a mediator between the two races in this Territory, yet I am not unwilling that my official conduct should be subjected to the strictest scrutiny, for I am satisfied that our prospects for success in the policy which has been adopted for the civilization of the Indians in this Territory, depends greatly upon the conduct of those with whom they are daily brought in contract, and it is to be regretted that men will so far forget themselves, and the relations they sustain, both to Indians and to government, as to be guilty of gross misrepresentations so fatal to their own peace and prosperity.

Very respectfully, yours, &c.,

GARLAND HURT,
Indian Agent.

His Excellency BRIGHAM YOUNG,
Governor, &c.

No. 27.

OFFICE OF INDIAN AGENT, UTAH,
Great Salt Lake City, November 20, 1856.

SIR: As a large number of claims against government, for losses of property in consequence of Indian depredations in Utah, have received my certificate, I deem it proper to state that I entertained doubts of the propriety of encouraging them; but as I had already sanctioned some of a similar character before I was aware of the amount to be presented, I have concluded that they would enable you to judge more correctly of the wisdom of the boasted policy of his excellency Brigham Young, which has been conducted at the sacrifice of the lives and property of a deluded populace, who are now groaning in poverty and distress.

If his excellency's boasted civilization of the Utahs is to be sustained at such a sacrifice as these claims show, it is difficult to conceive what advantage has been derived from it; and I would say further, that if half the amount that is here presented had been appropriated and used in a proper manner for the civilization of the Indians during the last three years, the whole of this same Utah tribe, and all others in the vicinity of these settlements might, by this time, been happily located and in the enjoyment of many, if not all, the comforts of civilized life, and that, too, without the complaint of a single individual in the Territory for losses.

Very respectfully, your obedient servant,

GARLAND HURT,
Indian Agent, Utah.

Hon. GEO. W. MANYPENNY,
Commissioner Indian Affairs, Washington, D. C.

No. 28.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Great Salt Lake City, September, 12, 1857.

SIR: Enclosed please find abstract, account current, and vouchers, from 1 to 35, inclusive, (also abstract of employés) for the current quarter up to this date, as, owing to the stoppage of the mail, I have deemed it best to avail myself of the opportunity of sending by private conveyance, not knowing when I may have another chance. The expenditure, as you will observe by the papers, amount to $6,411 38, for which I have drawn my drafts on the department in favor of Hon. John W. Bernhisel, delegate to Congress from this Territory. You will also observe that a portion of these expenditures accrued prior to this quarter, which may need a word of explanation.

Santa Clara is in Washington county, the extreme southern county of this Territory, and this labor was commenced and partly performed; seeds, grain, &c., furnished prior to the time that Major Armstrong visited those parts of the Territory, hence failed to find its way into his reports, and failed being included in mine because the accounts and vouchers were not sooner brought in, and hence not settled until recently. But little has been effected in that part of the Territory at

the expense of the government, although much has been done by the citizens in aiding the Indians with tools, teams, and instruction in cultivating the earth. The bands mentioned are part of the Piede tribe of Indians, who are very numerous, but only in part inhabit this territory. These Indians are more easily induced to labor than any others in the Territory, and many of them are now engaged in the common pursuits of civilized life. Their requirements are constant for wagons, ploughs, spades, hoes, teams, and harness, &c., to enable them to work to advantage.

In like manner, the Indians in Cache valley have received but little at the expense of the government, although a sore tax upon the people. West and along the line of the Oregon and California travel they continue to make their contributions, and, I am sorry to add, with considerable loss of life to the travellers. This is what I have always sought by all means in my power to avert, but I find it the most difficult of any portion to control. I have for many years succeeded better than this. I learn by report that many of the lives of the emigrants and considerable quantities of property have been taken. This is principally owing to a company of some three or four hundred returning Californians, who travelled those roads last spring to the eastern States, shooting at every Indian they could see—a practice utterly abhorrent to all good people, yet, I regret to say, one which has been indulged in to a great extent by travellers to and from the eastern States and California; hence the Indians regard all white men alike their enemies, and kill and plunder whenever they can do so with impunity, and often the innocent suffer for the deeds of the guilty. This has always been one of the greatest difficulties that I have had to contend with in the administration of Indian affairs in this Territory. It is hard to make an Indian believe that the whites are their friends, and the Great Father wishes to do them good, when, perhaps, the very next party which crosses their path shoots them down like wolves.

This trouble with the Indians only exists along the line of travel west, and beyond the influence of our settlements. The Shoshones are not hostile to travellers, so far as they inhabit in this Territory, except, perhaps, a few called "Snake Diggers," who inhabit, as before stated, along the line of travel west of the settlements. There have, however, been more or less depredations the present season north, and more within the vicinity of the settlements, owing to the causes above mentioned, and I find it of the utmost difficulty to restrain them. The sound of war quickens the blood and nerves of an Indian. The report that troops were wending their way to this Territory has also had its influence upon them. In one or two instances this was the reason assigned why they made the attacks which they did upon some herds of cattle. They seemed to think it was to be war; they might as well commence and begin to lay in a supply of food when they had a chance. If I am to have the direction of the Indian affairs of this Territory, and am expected to maintain friendly relations with the Indians, there are a few things that I would most respectfully suggest to be done:

First. That travellers omit their infamous practice of shooting them down when they happen to see one. Whenever the citizens of this

Territory travels the roads they are in the habit of giving the Indians food, tobacco, and a few other presents, and the Indians expect some such trifling favor, and they are emboldened by this practice to come up to the road with a view of receiving such presents. When, therefore, travellers from the States make their appearance they throw themselves in sight with the same view, and when they are shot at, some of their number killed, as has frequently been the case, we cannot but expect them to wreak their vengeance upon the next train.

Secondly. That the government should make more liberal appropriations to be expended in presents. I have proven that it is far cheaper to feed and clothe the Indians than to fight them. I find, moreover, that after all, when the fighting is over, it is always followed by extensive presents, which, if properly distributed in the first instance, might have averted the fight. In this case, then, the expense of presents are the same, and it is true in nine-tenths of the cases that have happened.

Thirdly. The troops must be kept away, for it is a prevalent fact that, wherever there are the most of these we may expect to find the greatest amount of hostile Indians and the least security to persons and property.

If these three items could be complied with, I have no hesitation in saying that, so far as Utah is concerned, that travellers could go to and from, pass and repass, and no Indian would disturb or molest them or their property.

In regard to my drafts, it appears that the department is indisposed to pay them; for what reason I am at a loss to conjecture. I am aware that Congress separated the office of superintendent of Indian affairs from that of governor; that the salary of governor remained the same for his gubernatorial duties, and that the superintendent's was fifteen hundred. I do think that, inasmuch as I perform the duties of both offices, that I am entitled to the pay appropriated for it, and trust that you will so consider it.

I have drawn again for the expenditure of this present quarter, as above set forth. Of course you will do as you please about paying, as you have with the drafts for the two last quarters.

The department has often manifested its approval of the management of the Indian affairs in this superintendency, and never its disapproval. Why, then, should I be subjected to such annoyance in regard to obtaining the funds for defraying its expenses? Why should I be denied my salary; why should appropriations made for the benefit of the Indians of this Territory be retained in the treasury and individuals left unpaid? These are questions I leave for you to answer at your leisure, and, meanwhile, submit to such course in relation thereto as you shall see fit to direct.

I have the honor to be, most respectfully, your obedient servant,

BRIGHAM YOUNG,
Governor, and ex-officio Superintendent of Indian Affairs,
Utah Territory.

Hon. JAMES W. DENVER,
Commissioner Indian Affairs,
Washington City, D. C.

No. 29.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, Washington, November 11, 1857.

SIR: Your communication of the 12th of last September has been received, and would not require a formal reply were it not for the effort you make to place this office in the wrong, when, in fact, whatever difficulties exist, have resulted from your own conduct. As the superintendent of Indian affairs for Utah Territory, it was your duty to keep a supervisory control over the different agents, and to see that they did not exceed their authority. It was your duty, also, to notify them of all things pertaining to their duties, and especially to keep them, in their expenditures, within the appropiations made for your superintendency. Their reports were made to you, and by you transmitted here. You cannot, therefore, plead ignorance of their transactions, knowing then the amount of the appropriations, and being fully advised of the affairs of the agents, and that money could not be taken out of the treasury without an act of Congress, you have allowed the drafts to exceed the appropriation to the amount of $31,380 50 to the close of the fiscal year, ending 30th June, 1857. When the agents were notified that their drafts could not be paid in consequence of the appropriations having been exhausted, and rebuked for exceeding them, they replied that they had no information from you on the subject. These communications passed through your hands, and yet you seem to have passed them by unnoticed. With a full knowledge then of all the facts, you took no steps, so far as this office is informed, to protect the public interests, or to keep your subordinates within the proper sphere of their duties. On the contrary you seem to have been disposed to encourage these things, as is evidenced in your orders to Agent Hurt, sending him to Carson's valley, at a heavy expense to the government, when it was well known that the services of an agent were not required in that quarter; and again when you fitted out an expedition yourself, and conducted it northward, out of your superintendency, to give presents to Indians not under your control. From all this it follows that if your drafts are not paid, you have no right to complain, because you knew, at the time, that the appropriations on which they were drawn were exhausted.

But, even if the money was in the treasury ready for the Indian service in Utah, I do not see how it can be applied to the payment of your drafts until they shall have first passed through the strictest scrutiny; for this department has information from reliable sources, that, so far from encouraging amicable relations between the Indians and the people of the United States outside of your own immediate community, you have studiously endeavored to impress on the minds of the Indians that there was a difference between your own sect, usually known as Mornons, and the government and other citizens of the United States—that the former were their friends and the latter their enemies.

In addition to this, you have been denouncing this government and threatening an armed resistance to the authorities sent out by the

President. Indeed, unless you and your coadjutors are most grossly misrepresented, and your language misquoted, the appearance of those authorities among you is all that is necessary to prompt you to an overt act of treason. It could never have been intended, when the appropriations were made by Congress, that the money should be used in arousing the savages to war against our own citizens, or to enable a subordinate officer to carry on treasonable practices against his government. The rule of this office is to withhold annuities from the Indians whenever they place themselves in a hostile or antagonistic attitude towards the government, and I know of no reason why the same rule should not be applied to you at this time; but, as the appropriation has been exhausted, it is not necessary to consider that question now. You say "the troops must be kept away, for it is a prevalent fact that wherever there are the most of these, we may expect to find the greatest amount of hostile Indians, and the least security for persons and property." The troops are under the direction of the President, and it is fair to presume that he would not send them to Utah Territory unless there was a necessity for so doing; and if it be true that, wherever the greatest number of troops are there are to be found the greatest number of hostile Indians, it arises from the fact that the troops are necessary at such places to preserve the peace and to keep the Indians in subjection. There is no reason why persons and property should be any the less secure in the neighborhood of the troops; nor is there any reason why *peaceable* citizens should object to their presence. If it is your intention to preserve peace, the troops will not interfere with you; but if you intend otherwise, then it is necessary that the troops should be on the ground to enforce it.

It is much to be regretted that such a state of affairs should exist, and it is always with great reluctance that we arrive at the conclusion that Americon citizens should at any time require the strong arm of power to compel obedience to the laws, or that a subordinate officer should so far forget his duty as to use his official position to injure one portion of his fellow-citizens, and to alienate another portion from loyalty to their government. But, when convinced of the existence of such facts, the chief executive has no alternative left but to crush out rebellion; and for this purpose all the powers of the government are placed under his control.

Your claim for double salary cannot be allowed, for even if it did not come in conflict with the general rule which forbids the payment of two salaries at the same time to the same persons, yet you could not be entitled to it, for the reason that you became superintendent of Indian affairs by virtue of your appointment as governor of the Territory; and although these offices have since been separated, yet you had not, at the date of your communication, been relieved from the duties appertaining to them. Your other accounts will be examined into, and whenever it shall be ascertained that the expenditure was properly made it will be paid, should Congress make an appropriation for that purpose.

You say "the department has often manifested its approval of the management of the Indian affairs in this superintendency, and never its disapproval." The reverse of this is the fact. This office has

often found fault with your conduct, and to prove this it is only necessary to quote your own language. One extract from your communication to this office, dated "Great Salt Lake City, June 26, 1855," will suffice. You there say, "for the last two years I have experienced the greatest difficulty in getting my accounts adjusted at the department; and when they have finally been so adjusted, that it has been done by *suspending* and *disallowing* a great portion thereof." Many similar extracts might be given, but this is sufficient to establish the incorrectness of your statement that this office had never manifested its disapproval of your conduct.

I have the honor to be, very respectfully, your obedient servant,

J. W. DENVER,
Commissioner.

His Excellency BRIGHAM YOUNG,
Great Salt Lake City, U. T.

No. 30.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 24, 1857.

SIR: You are, doubtless, aware of the condition of affairs in the Territory of Utah, and of the fact that the President has found it necessary, in consequence of the attitude which the Mormons, so called, have placed themselves in towards the government, to send a portion of the army to that country. The department has been advised that steps have been taken by persons of that sect to endeavor to alienate some of the tribes of the Upper Platte from their allegiance to the United States; and, presuming that it is not improbable that the same means may be used, or attempted, with the tribes of the Territory of New Mexico bordering upon Utah, or that they may be excited by the scenes which may occur between the troops and that misguided people, it is necessary that every precaution should be taken to keep them quiet. You are, therefore, instructed to use every endeavor in your power to effect this object. If it is necessary that you should visit them in person you are required to do so, and to use all funds in your hands applicable to such a purpose, if requisite, in making presents, or otherwise, for the purpose of conciliating them. Indeed, you are authorized to draw upon this office, if absolutely demanded, for a sum not exceeding ten or fifteen thousand dollars, which can be so applied. Yet, all pains should be taken to observe the strictest economy in its expenditures, taking care to satisfy yourself that strong reasons exist for every item laid out.

Should you fail in your efforts to keep the Indians in a state of peace and quiet, then your aim should be to array them against such other Indians as may be found on the side of the enemies of the government, and to spare no pains to prevent them from attacking the whites. The object of the government is to keep them quiet, if possible; but if that cannot be done, then to control them in such a manner as to direct their attacks only against those savages who may take up arms against our people.

It will be necessary for you to proceed with great caution and delicacy in this matter, so as not to excite the minds of the Indians. By keeping a vigilant watchfulness over their movements you will be able to inform yourself whether it may become necessary to take any steps in the premises, and for this purpose you should notify the agents of your superintendency to keep you well informed of the temper and intentions of the Indians in their agencies. They should have every facility afforded them to ascertain the feelings of the Indians, and to keep them on good terms with our citizens.

The location of Agent Carson will make his position, in the present emergency, a very important one, and he, particularly, should be cautioned to leave nothing undone to carry out the wishes of the government.

Very respectfully,

J. W. DENVER, *Commissioner.*

J. L. COLLINS, Esq.,
Superintendent, Sante Fé, New Mexico.

No. 31.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Santa Fe, N. M., January 14, 1858.

SIR: Your letter of instructions relative to the proper course to be pursued by the superintendent of Indian Affairs for this Territory, in the anticipated emergency with the Mormons in Utah Territory, has been received, and in the absence of the superintendent, such steps taken as is thought will accomplish the wishes of the government.

Immediately after perusing your instructions an express was despatched for agent's Carson and Archutela. They arrived here on the 11th, and I had a full and free conversation with both of them. Agent Carson informed me that there were evident symptoms of dissatisfaction and hostility on the part of one or two bands of the Utahs living on Grande river, and in close proximity to the Mormon settlements. He is satisfied that the Mormons have been active in their efforts to incite these Indians against the whites, and that even now there are Mormon emissaries (of the Salt Lake Indians) in the vicinity of the settlements of this Territory. The Tabamuateh and Muateh Utahs are those bands which it is believed will be most likely first to become estranged from our government. These bands reside near the Mormon settlements, and are in constant communication with the Utahs of Salt Lake, whose language they speak. The country from Grand river to Salt Lake is an almost continuous settlement of Utah Indians, and the defection of one band will be very likely to spread until it includes the whole nation, all of whom are treacherous and unreliable.

The Capote Utahs are within the agency of Drego Archuleta. Mr. Archuleta informs me that they have made frequent complaints to

him of their meagre allowances, and taunt him almost daily with a reiteration of the liberality of the Mormon "lata." They are very supercilious and insulting.

I have instructed Agent Carson to use the utmost diligence in removing any feeling of hostility that may be growing upon the band of his agency. To accomplish this object, he has been directed to increase their allowances, especially of meats, by degrees, and to report to this office the development that may from time to time be made. He has also been cautioned not to, in any manner, excite the Indians, and likewise to make no expenditures which will not be calculated to promote the interest of the government in the present emergency. Similar instructions have been issued to Agent Archuleta.

Both Messrs. Carson and Archuleta entertain hopes that they will be able to keep the Indians of their agencies neutral, should the difficulty with Utah Territory ripen into a formal and active war. Mr. Carson is now en route for the grounds of the Tabamuateh and Muateh Utahs. His presence in their midst with his known faculty of winning their confidence and respect, will not fail, I trust, to have a favorable influence with them.

In this connexion, it is proper to state that I have instructed Messrs. Carson and Archuleta to forego any efforts at present to reconcile the differences between the Utahs and the Navajoes. Were these difficulties adjusted the Utahs would feel less embarrassed, and more disposed to contract "entangling alliances" with the Mormons, and those other Indians who are in known co-operation with Brigham Young. Hence this course. I shall likewise direct agent Harley to abate his efforts for the present to bring about a peace between these two tribes.

Hoping that the action of the undersigned in the present important emergency will meet with the approbation of the honorable Commissioner, I have the honor to remain yours, &c.,

S. M. YOST,
Indian Agent, and Acting Superintendent Indian Affairs,
Santa Fé, New Mexico.

Hon. J. W. DENVER,
Commissioner Indian Affairs, Washington City, D. C.

No. 32.

DEPARTMENT OF INTERIOR,
Office Indian Affairs, September 22, 1857.

SIR: A letter, dated the 13th of July, has just been received from Agent Twiss, of the Upper Platte, stating that a settlement has been made by the Mormons within the limits of his agency, under the pretence of a contract entered into by the Mormon Church to carry the mail from Independence to Salt Lake City. They took possession of the valley of Deer creek on the 25th of May, which lies 100 miles west of Laramie, where the agent states he had located a band of

Sioux; have built houses capable of accommodating 500 persons; have ploughed and planted 200 acres, and number about 300. The agent earnestly calls the attention of the department to this invasion of the Indian territory, and states his inability to do anything in the premises; and suggests that such steps may be taken by the President as the circumstances may in his judgment require.

For your information, I would state that the region of country stated to be occupied was assigned to the Sioux, and recognized to belong to them by the treaty of Laramie, of the 17th of September, 1851.

In connexion with this case, I would state the views which were taken by this office in that of a Mr. Jacob Hall, a contractor to carry the mails from Independence to Santa Fé. Mr. Hall stated in a communication to the Postmaster General, which was referred to this office, that, as mail contractor he had necessarily made improvements on the lands of the Kansas Indians, upon which communication a report was made to the Secretary of the Interior to the effect that while the intercourse law gave no express authority to citizens of the United States to go or reside among the Indian tribes, except under certain circumstances specified by law, yet it did forbid a citizen from driving or otherwise conveying "any stock of horses, mules, or cattle to range or feed on any land belonging to an Indian or Indian tribe without the consent of such tribe," but that Mr. Hall being in the country, engaged in the public service, this office would be pleased to do all that the law would allow to facilitate the discharge of his duties and to accommodate the Postmaster General; and so far as he confined himself to mere residence and occupancy of the improvements which he had already made, with the consent of the Indians, no difficulty would be thrown in his way, but that no authority existed under which permission could be granted to extend his improvements, make use of the timber, or cultivate lands. This office was then requested by the Secretary to re-examine the matter in connexion with the law passed by Congress on the 3d of March, 1855, with respect to contractors for carrying the mail through one of the Territories west of the Mississippi, and reported that, according to its construction of the provision, "that each contractor engaged or to be engaged in carrying the mails through any of the Territories west of the Mississippi, shall have the privilege of occupying stations at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a pre-emption right therein, when the same shall be brought into market, to the extent of 640 acres, to be taken contiguously, and to include his improvements," it had reference only to those lands to which the Indian title had been extinguished and surrendered to the United States, and not to lands belonging to tribes to which the title had not been extinguished, and therefore not applicable to the case of Mr. Hall, as his station was upon the lands of the Kansas Indians, to which their title had not been extinguished.

I have cited the views in full of the Indian Office in regard to the rights of Mr. Hall, and deem the same views applicable in this instance, which I have the honor to submit, together with a copy of the

agent's letter that such steps may be taken as in your judgment may be advisible and proper.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. J. THOMPSON,
Secretary of the Interior.

[No. 33.]

INDIAN AGENCY OF THE UPPER PLATTE,
On Raw Hide Creek, July 13, 1857.

SIR: In a communication addressed to the Indian Office, dated April last, I called the attention of the department to the settlements being made within the boundaries of this agency by the "Mormon Church," clearly in violation of law, although the pretext or pretence under which these settlements are made is under cover of a *contract* of the Mormon Church to carry the mail from Independence, Missouri, to Great Salt Lake City.

On the 25th May, a large Mormon colony took possession of the valley of Deer creek, one hundred miles west of Fort Laramie, and drove away a band of Sioux Indians whom I had settled there in April, and had induced them to plant corn.

I left that Indian band on the 23d May to attend to matters connected with the Cheyenne band, in the lower part of the agency.

I have information from a reliable source that these Mormons are about three hundred in number, have ploughed and planted two hundred acres of prairie, and are building houses sufficient for the accommodation of five hundred persons, and have a large herd of cattle, horses, and mules.

I am persuaded that the Mormon Church intend, by this plan thus partially developed, to monopolize all of the trade with the Indians and whites within, or passing through, the Indian country.

I respectfully and earnestly call the attention of the department to this invasion, and enter my protest against this occupation of the Indian country, *in force*, and the forcible ejection of the Indians from the place where I had settled them.

I am powerless to control this matter, for the Mormons obey no laws enacted by Congress. I would respectfully request that the President will be pleased to issue such order as, in his wisdom and judgment, may seem best in order to correct the evil complained of.

Very respectfully, your obedient servant,

THOS. S. TWISS,
Indian Agent, Upper Platte.

Hon. J. W. DENVER,
Commissioner of Indian Affairs.

No. 34.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 7, 1857.

SIR: I have the honor to state, for your information and consideration, that I have just received from Agent Twiss a communication, in my opinion, of much importance. He informs me that he had, at the date of his letter, the 15th of September, just returned from a visit to the western part of his agency, undertaken in consequence of a rumor that the Mormons had been tampering with the various Indian tribes of that region, and that he learned from the Arapahoes that they had been told by the Mormons that they were one people in customs, laws, and religion, and ought to be more closely united, as the President was sending troops to Utah for the purpose of dispossessing the Mormons of their lands, and when that was effected it would be an easy matter to dispossess the several Indian tribes; and he was further informed by the Arapahoes that they had also held "talks" with the Snake, Crow, Flathead, and Nez Percé tribes.

The agent advises that some one should be sent to all the tribes along the base of the Rocky mountains, to the north and northeast of Utah, for the purpose of counteracting the probable ill effect of these evil communications, and proposes to undertake the performance of the service himself this winter, and estimates that the outfit and necessary presents to secure the proposed object will not exceed five thousand dollars.

I agree with the agent as to the expediency of the measure, and would recommend that he be selected and instructed, at once, to act in the premises.

I send up herewith a copy of the agent's letter, and would respectfully advise that it be brought to the attention of the President.

As the policy of employing Indian volunteers may form the subject of a future communication from me, I beg leave to direct your attention to the remark of Mr. Twiss, that "the Arapahoes are true to the government, and will cheerfully volunteer to accompany the troops to Utah, if their services are required."

Very respectfully, your obedient servant,

J. W. DENVER,
Commissioner.

Hon. J. THOMPSON,
Secretary of the Interior.

No. 35.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
St. Louis, November 2, 1857.

SIR: I have the honor to enclose, for the consideration of the department, a letter of 15th September, ultimo, from Agent Twiss, reporting that the Mormons have been recently tampering with the

Arapahoes and other tribes, with a view to induce them to join in a league against the United States, and suggesting the idea of sending an agent to the tribes scattered along the base of the mountains, for the purpose of securing their allegiance.

Very respectfully, I am, sir, your obedient servant,

JOHN HAVERTY,
Superintendent Indian Affairs.

Hon. J. W. DENVER,
Commissioner Indian Affairs.

No. 36.

INDIAN AGENCY OF THE UPPER PLATTE,
On Raw Hide Creek, September 15, 1857.

SIR: I have just returned to this post from a visit to the western part of the agency, undertaken in consequence of reports having reached me that the *Mormons* had been tampering with various bands of Indians within and bordering upon the western part of this agency. The chiefs of the Arapahoe band informed me that the Mormons, who commenced a settlement of Deer creek, this side of the North Platte bridge, the circumstances of which I reported to the department in July last, have held "talks" with them, and stated that the Mormons and the Arapahoes were one people in *customs*, *laws*, and *religion*, and ought to be more closely united, as their "Great Father" was sending troops to Utah to take away the country from the Mormons; and when this was accomplished, it would be an easy matter to take all of the country belonging to the various bands of Indians.

These Mormons represented to the chiefs that they had already held "talks" with, and engaged, by giving presents, the Snake, Crow, Flathead, and Nez Percé tribes to join them. They gave no presents to the Arapahoes, but made large and liberal promises, and concluded by saying they were planting *corn*, and would soon have plenty to give all of the Arapahoes and others who might come to their post.

I have sent runners to the Snake and Crow tribes to meet me in council at the North Platte bridge in October, and I have no doubt, by judicious advice and timely admonition, and a few inconsiderable presents, I may be able to hold them true to their allegiance.

The Arapahoes are true to the government, and will cheerfully volunteer to accompany the troops to Utah, if their services are required.

If the department should deem it advisable to send an agent to all of the tribes along the base of the Rocky mountains to the north and northeast of Utah, I should be pleased to perform the duty, and make the journey during the ensuing winter.

I have strong reasons for believing that such an expedition would result in permanent advantages and good to the government and the Indian tribes, compared with the expenses, which need not, in outfit and suitable presents to the chiefs, exceed five thousand dollars.

I request that the subject-matter of this communication may be laid before the honorable the Commissioner of Indian Affairs.

Very respectfully, your obedient servant,

THOMAS S. TWISS,
Indian Agent, Upper Platte.

Colonel CUMMING,
Superintendent Indian Affairs.

No. 37.

DEPARTMENT OF THE INTERIOR,
November 9, 1857.

SIR: Your report of the 7th instant, covering copy of a communication from Agent Twiss, in reference to the attempts of the Mormons to seduce from their allegiance several of the tribes within his agency, has been received and considered.

Regarding it as of great importance, in the present contingency, that any symptoms of disaffection among the wild tribes in the vicinity of Fort Laramie should be promptly suppressed, I concur with you in approving the suggestion of Agent Twiss, that an agent should be sent to all the tribes along the base of the Rocky mountains to the north and northeast of Utah; and it appears to me that Agent Twiss is the most proper person who could be selected for the performance of this duty.

You will, therefore, take steps to supply Agent Twiss, at once, with the means of carrying out his suggestion, and issue to him such instructions as you may deem best fitted to secure the object in view.

Very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

Hon. JAMES W. DENVER,
Commissioner of Indian Affairs.

No. 38.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 11, 1857.

SIR: I have to acknowledge the receipt of your letter of the 2d instant, transmitting one from Agent Twiss, in which the information is communicated that the Mormons have been tampering with the various Indian tribes within and bordering upon the western part of his agency, especially the Arapahoes.

I have conferred with the Secretary of the Interior, and he agrees with me as to the propriety of adopting the course advised by the agent. I have, therefore, to direct that you immediately inform Mr. Twiss that the measures already taken by him meet with my appro-

bation, and he is instructed to visit, at the earliest possible period, all of the Indian tribes along the base of the Rocky mountains to the north and northeast of Utah, mentioned in his letter, or such of them as may be advisable, and to use such means as to him may seem discreet and proper to obviate the effects of any ill advice which they may receive from these misguided or badly disposed persons, by convincing them of the folly of doing otherwise than remaining upon friendly terms with the government, by persuading them of the interest which the government has in their welfare and happiness, and by exposing the entirely selfish and bad ends which they are invited to assist in accomplishing, but which can never be carried out.

For discharging this duty, the agent is hereby authorized to draw upon this office for an amount not exceeding, in any event, five thousand dollars, to be used in defraying his expenses, and the purchase and transportation of presents intended to conciliate and to inspire feelings of friendship. And for the expenditure of the amount that he may draw for, or any part thereof, vouchers must be furnished where practicable, and where not practicable his certificate upon honor must be given.

Very respectfully, your obedient servant,
J. W. DENVER, *Commissioner.*

JOHN HAVERTY, Esq.,
Superintendent of Indian Affairs, St. Louis, Missouri.

No. 39.

INDIAN AGENCY OF THE UPPER PLATTE,
On Deer Creek, November 7, 1857.

SIR: I have to acknowledge the receipt, on the 1st instant, of a letter from the department, dated July 25, granting me leave of absence, provided the affairs of the agency would permit.

In consequence of reliable information coming into my possession as to the fact that the "Mormons" had been holding "talks" with the Indian chiefs of the Mountain tribes, the plain object of which was to induce the chiefs to join the "Mormons" in hostilities against the United States government, I deem it my duty to remain at my post, in order to watch, and, if possible, detect and baffle any future efforts or movements that may be made in tampering with the allegiance of the Indian tribes.

I am under the belief that a wide-spread conspiracy was set on foot last spring, and Mormons were sent to all of the Indian tribes as far north as Washington Territory.

I would respectfully suggest, and urgently press upon the attention of the department, the advantages, if not the absolute necessity, of sending a "special agent" to those tribes along the base of the Rocky mountains reported to have been visited by the Mormons; and if it should prove true that such is the fact, that the agent may, by timely

admonitions and warnings to the Indian chiefs, hold them true to their allegiance.

Very respectfully, your obedient servant,
THOMAS S. TWISS,
Indian Agent, Upper Platte.

Hon. J. W. DENVER,
Commissioner of Indian Affairs.

No. 40.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, January 11, 1858.

SIR: I have to acknowledge the receipt of your letter of the 7th of November, saying that, in consequence of the condition of the affairs of your agency, you will not avail yourself of the conditional leave of absence accorded to you by the department on the 25th of July, and pressing upon the attention of the department the necessity of sending a special agent among the tribes residing along the base of the Rocky mountains to counteract the effect which the Mormons may have produced upon their allegiance.

For fear that you may not, from any cause, have received directions in this matter, which Superintendent Haverty was instructed on the 11th of November last to give you, in pursuance of the intelligence communicated by you as a cautionary measure, I herewith send you a copy of the letter addressed to him, in which you will find the views of the department and the part authorized to be taken by you.

Very respectfully, your obedient servant,
CHARLES E. MIX,
Acting Commissioner.

THOMAS S. TWISS, Esq., *Agent,*
Indian Agency of the Upper Platte, Deer Creek,
Fort Laramie Post Office.

No. 41.

ST. PAUL, MINNESOTA, *February* 2, 1858.

MY DEAR SIR: The Sioux and Chippewa Indians have had intimation that they would be soon ordered to "Washington;" in fact, that the order was under way; but as yet nothing has been received. Pardon me if I say that I hope the Indian department will not change their intentions on that subject; for, *believe me*, the effect will be a bad one, especially on the Sioux, who look to the matter as fixed about their being ordered in, and more certainly as they have deprived their families of money to enable them to do so, and would look upon it as a wish, on the part of the government, to keep them in the dark about their affairs. You have learned enough about Indians to understand how they *reason*, and there is no doubt had we had any other of their old

agents or superintendents at the head of affairs here last summer, except yourself, the fortunes of Minnesota would have been in a pretty position. Do, then, insist upon their coming in—it is necessary, believe me. "*Mormon*" tobacco has been sent from tribe to tribe till it reached the Teeton Sioux, and from band to band to the hands of our Sisseton and Wah-pay-ton and "Crow" was sent for to Yellow Medicine, and offered to him to smoke. Of course, he declined, as well as the Sissetons and Wah-pay-tons, who also refused. This may be an Indian story, but it comes very straight to me, and at least shows the discontented feelings that exist. This report I heard before the news reached here of the visit of the "Shayienes" to Salt Lake City. The policy of showing the strength of the United States to our border Indians is a *good one*, depend on it. Excuse the liberty I take, but the many acts of kindness I have received from you instigate me to write to you freely. Mr. Sears tells me you will have me ordered to Washington about this Fort Snelling case; I am posted on that question. With many thanks for that consideration, as well as many others already received,

I remain, sir, your obedient servant and friend,

WM. HENRY FORBES.

Major W. J. CULLEN,
Superintendent Northern Superintendency, at Washington City.

No. 42.

HEADQUARTERS OF ARMY, FOR U. T.
Camp Scott, Green River County, December 14, 1857.

DEAR SIR: In compliance with a regulation of your department, making it the duty of superintendents to report annually, I submit the following report:

Having been in the Territory of Utah but a few weeks, I have consequently but little to report. I arrived at this camp the latter part of last month, and was informed by Colonel Johnston, the commanding officer, that the army would go into winter quarters at this place. All the civil officers are stopping here, and I am obliged to do the same.

I have been busily engaged in erecting a cabin in some degree suitable for an office and dwelling, and will have it finished in a few days

"Little Soldier," chief of the small tribe of Sho-sho-ne Indians, visited me last Tuesday, and remained in camp two days. This chief had with him several of his men, and also an Indian named Ben Simons, formerly of the Delaware tribe, but for the last twenty years a trader among the Indians of this Territory. Ben speaks most of the languages of this region, and English sufficiently well to answer for an interpreter.

"Little Soldier's" tribe is at present encamped in Weber Valley, on the road leading from this camp to Salt Lake, consequently in close proximity to the Mormons, and in a position to render essential service to the Mormons, should they be so disposed Little Soldier assured me, however, that they have always kept aloof from Mormon delusions, and maintained strict integrity towards the United States and any of her citizens, who have travelled through his country. I have

satisfied myself that they have not deceived me; inasmuch as this tribe have not acceded to the wishes of the Mormons, and as an inducement for a continuance of friendship, I have given them some presents, for which they were very thankful and much pleased.

I herewith transmit to you the report of agent Dr. Hurt. I have examined the report carefully, and have talked with men of unquestionable integrity who have seen the Indian farms, and, so far as I have been able to investigate the matter, justice compels me to bear favorable testimony to the policy of Dr. Hurt, in introducing agriculture among these tribes. Dr Hurt has undoubtedly given his entire time and energies to improve the condition of the tribes in his neighborhood, and has, by his devotion to their interests, endeared himself much to them, and also stimulated other tribes, who have come many miles to visit these farms, and are asking instructions. Dr, Hurt has accomplished all this without any assistance from those around him, but in many instances had to encounter obstacles thrown in his way. For reasons for which Dr. Hurt abandoned the farms, I refer you to his letter to Colonel Johnston.

Permanently locating the Indian tribes of this Territory, and the introduction among them of agricultural and mechanical pursuits, shall be my chief aim.

I remain, very respectfully, your obedient servant,

J. FORNEY,
Sup't of Indian Affairs, U. T.

General J. W. DENVER,
Commissioner of Indian Affairs.

No. 43.

FORT BRIDGER, UTAH, *December* 4, 1857.

SIR: In submitting an annual report of the condition of Indian affairs in Utah, it will be presumed that my observations have been limited to some particular tribe or tribes, or to certain geographical boundaries, as others have been engaged in the service in this Territory besides myself; but the peculiar method of conducting the service in this superintendency may justify a more general view of the subject.

So far as personal observations enable me to speak, there is less discontent, less destitution, and a greater disposition to good order than I have known since the commencement of my official service in the Territory.

These observations, however, do not extend to those distant bands in the western and extreme southern portions of the Territory, consequently I can say nothing in regard to them upon better authority than that of rumor. It is currently reported here that the Snake Diggers, of the Humboldt and Goose creek countries, have spent the season, as usual, in murdering and robbing the emigrant trains en route to California and Oregon.

In my report of September, 1856, having spent a great portion of the spring and summer seasons among them, I was enabled to treat more at length of the character, condition, and state of feeling of the various tribes of these very degraded people, to which I must refer you for particulars, as I presume their leading characteristics have not materially changed since that time.

My attention during the season has been directed more particularly to the different bands of the Utahs and Snakes proper; especially the former, with whom I have lived almost exclusively since the 1st of January last, and devoted myself diligently in trying to induce them to cultivate the soil, and in endeavoring to instil into their benighted minds a knowledge of the arts of peace.

With what degree of success these efforts have been attended, it is, perhaps, impossible for me to speak at present. If in any permanent degree their wandering feet have been diverted from the paths of those natural or inborn national views which point with so much certainty to their final extermination, it is to the future that we must look for its development. With a majority of the wild tribes it is useless to expect anything like a permanent change in the present generation. To the future, then, we must turn our anxious thoughts, and realize in anticipation the rewards of the toilings and care of the philanthropist. In the spring of 1856 I established there Indian settlements for the benefit of those bands of the Utah and Pah Vante Indians who claim the lands now occupied by the white settlements. At each of those localities I have erected buildings suitable for the accommodation of a few white laborers, and for the storing of the crops, farming implements, &c., and assisted the chiefs and principal men in building suitable huts for themselves and families.

During the present year a small band of very degraded Utahs, known as the Sanfritches, have been located on the headwaters of Sanfritch creek, as also a small band of Utahs and Pintes, under a chief named Ammon, on Beaver creek, in Beaver county; the latter, however, with but little trouble or expense, except to supply the chief with a yoke of cattle to plough his land with.

For an estimate of the number of acres had under cultivation at each of these settlements this season, I must refer to my letter of the 30th June, to the Commissioner of Indian Affairs, a copy of which is herewith transmitted.

No further improvements have been made since that time, and only so much white labor has been employed as appeared indispensable to assist the natives in maturing and harvesting their abundant crops, an estimate of which is also transmitted herewith, together with a list of the property at each of these settlements, with an estimate of the value of the same.

The amount of grain, vegetables, and forage produced at these settlements this season is deemed amply sufficient, not only to supply the wants of those bands who have made permanent abodes thereon, but also to furnish the means of subsistence temporarily for the more populous bands outside of the white settlements, who are occasionally reduced to the most extreme state of destitution, and whose annual visits among the white inhabitants have hitherto been a source of great

trouble and expense. One of these pilgrimages was made into Utah county this season by those bands of the Utahs who claim the extensive country east of the Wah-satch mountains as their homes.

Those starving creatures had evidently two objects in their visit: first, to search for food; second, to see if all they had heard of their brethren in the valley having gone to work and had plenty to eat were true; and though they appeared agreeably surprised to witness with their own eyes, at least in part, the truth of what they had heard, their visit was not by any means a pleasant one to myself; for it not only retarded the progress of our work by the renewal of vicious and ill practices among the boys about the farms, but by their constant and pressing importunities for the means of subsistence, with which it was almost entirely impossible for me to supply them, as I had already exhausted the appropriation for the fiscal year.

It is due, however, to the Mormon community to admit that these wants were greatly mitigated by the liberal contributions of flour and other articles of food, made under the directions of their Indian missionary enterprise, whose agents were unusually active during the past season.

The plan of operating under this missionary system is quite peculiar to Mormonism; and perhaps the most objectionable feature in it is their inordinate desire to court the favor and alliance of the natives to the exclusion and prejudice of all other communities; and yielding too far to this disposition, not only tempt themselves with a violation of the laws of the country, but actually tempt the Indians to take advantage of their position, which they seem well to understand and appreciate, and tax them with a thousand annoyances that might otherwise be obviated. At one time during the season I was inclined to think that, with a little improvement, this system would be quite sufficient to subsist the Indians without the necessity of any exertions on their part whatever. Unfortunately, these people have views peculiar to themselves, and interests separate and distinct from all other communities, and which are paramount to all other considerations, even the laws of the country not excepted; and these missionaries have objects to accomplish, for which they labor continually, regardless of costs, how far soever they may fail of their attainment.

In confirmation of these assertions, a mass of testimony might be adduced, but would, perhaps, be superfluous at present. The tone of the accompanying letter, however, by one of those missionaries is not without some significance upon this point. Brigham Young has frequently boasted of his power and influence among the Indians, and the daring position that he now openly assumes towards the government and the people of the United States renders argument unnecessary to show the bearing of that influence.

Many persons who have passed to and from California through Utah will, no doubt, remember the words of caution which the Mormon people volunteer to offer them, after partly inquiring what route they expect to take. "Look out, the Indians are very bad on that road." Again, "If you ain't careful, the Indians will clean you all out before you get through."

There is a degree of significance in such expressions which I shall

endeavor to illustrate by the insertion of a few incidents worthy of more public notoriety.

About the 3d of February last, two gentlemen, John Peltro and John Tobin, reached the Indian farm on Spanish fork, in company with several other persons en route for California.

Mr. Tobin had recently apostatized from the church, and was leaving behind a young wife. They had not left the farm till two other persons, (Brigham Young, jr., son of *his excellency,* and a young man named Taylor,) overtook them, and all remained over night at my house, and all saddled their horses to leave at the same time the next morning. Mr. Peltro and his party, however, started first, but in a familiar tone asked Young and Taylor if they were going the same road. I heard Young say in a low voice, "we will overtake you soon enough."

Soon after these parties left, it was a common talk among the people that the Indians were very hostile on the southern road; and as if to forestall the facts, it was rumored, before Mr. Peltro and his party had time to reach the southern settlements, that they had all been killed by the Indians.

On the 7th day of March it was reported by the mail carrier that they had been attacked, some time in the latter part of February, on the Rio Santa Clara, by a band of the Piede Indians, who fired upon them in the night while asleep, and robbed them of their property. Tobin was severely wounded in the face, a ball entering his cheek and passing out under the ear on the opposite side. Two others of the party were also wounded, but not so seriously. It is also reported by the mail party that their blankets were literally covered with navy-sized pistol balls, and the Utah Indians are bold in asserting that "the Piedes had nothing to do with it," and this opinion is also entertained by many white persons in the valley who dare not speak out.

On the 10th day of September last, George W. Hancock, a merchant in the town of Payson, came to the Indian settlement to look at some fat cattle that I proposed selling, and, in course of conversation, said he had learned that the California emigrants on the southern route had got themselves into a very serious difficulty with the Piedes, who had given them to understand that they could not pass through their country, and on attempting to disregard this injunction, found themselves surrounded by the Indians and compelled to seek shelter behind their wagons. He said he had learned these facts from an expressman who passed his house that morning with a message from the Indians to *President Young*, inquiring of him what they must do with the *Americans*. The expressman had been allowed one hundred consecutive hours in which to perform the trip of nearly three hundred miles, and return, which Mr. H. felt confident he would do.

On the day following, one of the Utah Indians, who had been absent for some days, gathering pine nuts, west of the Sevier lake, returned, and said that the Mormons had killed all the emigrants. He said he learned this news from a band of the Piedes, but could not tell where the fight occurred, or how many had been killed. One of the Utahs, named Spoods, came to the farm on the morning of the 14th, having travelled all night, and also confirmed the report of the difficulty

between the emigrants and the Piedes, but stated that when his brother Amman (chief, who lives in the Piede country) went to Iron country to persuade the Piedes to leave the road, the bishop told him that he had no business with the Piedes, and had better leave, whereupon an altercation arose between the bishop and the chief.

Spoods thought that the Piedes had been set upon the emigrants by the Mormons.

It soon began to be talked among the employés at the farm that all the emigrants on the southern road had been killed by the Piede Indians, and the report was confirmed by several other persons who visited the farm; but the Indians insisted that Mormons, and not Indians, had killed the Americans.

This affair had become so much the subject of conversation that on the 17th I started an Indian boy, named Pete, who speaks the English language quite fluently, with instructions to proceed to Sioux county, on a secret route, and learn from the Piedes, if possible, and also from the Utahs, what the nature of the difficulty was, and who were the instigators of it. He returned on the 23d, and reported that he only went to Ammon's village, in Beaver county, where he met a large band of the Piedes, who had just returned from Sioux county. They acknowledged having participated in the massacre of the emigrants, but said that the Mormons persuaded them into it. They said that about ten or eleven sleeps ago John D. Lee came to their village and told them that Americans were very bad people, and always made a rule to kill Indians whenever they had a chance. He said, also, that they had often killed the Mormons, who were friends to the Indians. He then prevailed on them to attack the emigrants, who were then passing through the country, (about one hundred in number,) and promised them that if they were not strong enough to whip them, the Mormons would help them. The Piedes made the attack, but were repulsed on three different occasions, when Lee and the bishop of Cedar city, with a number of Mormons, approached the camp of the emigrants under pretext of trying to settle the difficulty, and with lying, seductive overtures, succeeded in inducing the emigrants to lay down their weapons of defence and admit them and their savage allies inside of their breastworks, when the work of destruction began, and, in the language of the unsophisticated boy, *they cut all of their throats but a few that started to run off, and the Piedes shot them.* He also stated that there were some fifteen or sixteen small children that were not killed, and were in charge of the bishop. Lee and the bishop took all the stock, (over a thousand head,) as also a large amount of money. The Mormon version of this affair is, that the Piedes went to the emigrant camp and asked for meat, and they gave them beef with strychnine upon it; and when Brigham learned this fact, he sent word back to them "*to do with the Americans as they thought proper.*" But I have not yet been able to learn that this strychnine had killed any of the Indians, or even made them sick. A report also reached the Indian farm on Spanish fork, about the 15th of September, that the Snake Indians, under a chief named Little Soldier, had attacked an emigrant named Squires, from Missouri, who was camped near Ogden, and driven off all his cattle, (over four hundred,) together

with all the mules and horses belonging to him. But the Utahs made no hesitation in asserting that the Mormons took the stock themselves, and that they had learned all about it from some Gosh-Utes, who live in Rush valley. In confirmation of the truth of this report of the Utahs, I learned a few days ago from Ben Simon, a Delaware Indian, who lives with the Snakes in Weber valley, that some time in the early part of September Dimie B. Huntington (interpreter for Brigham Young) and Bishop West, of Ogden, came to the Snake village, and told the Indians that Brigham wanted them to run off the emigrants' cattle, and if they would do so they might have them as their own. Simon says the Snake chief consulted him about the propriety of undertaking the theft, and he advised them to have nothing to do with the cattle, which course they concluded to adopt; but Huntington and West insisted on their taking the stock, whereupon the chiefs told them that they did not want it, and if the Mormons wanted it let them go and get it themselves, and so the interview ended. Simon thinks that if any of the Indians had anything to do with it, they were hired by the Mormons, and says he knows that the Mormons got the stock.

It may be objected by the incredulous that these charges are too vague and uncertain, and deficient in point of names and dates; in answer to which I would say that the commission of these crimes needs no proof, their existence being generally admitted. The only questions to be determined are, Who instigated them? and whose testimony is deserving the most credit, the Mormons' or the Indians'? And under existing circumstances I am free to say that I prefer yielding my credulence to the more unsophisticated. I have frequently been told by the chiefs of the Utahs that Brigham Young was trying to bribe them to join in rebellion against the United States by offering them guns, ammunition, and blankets, on conditions that they would assist him in opposing the advance of the United States troops into the Territory; and he has not only made these overtures by his agents, but has at sundry times made them in person. How far he may have succeeded in his plots of treason at the expense of the government may not as yet be fully known and understood; but one thing is certain, that the more powerful tribes of the Utahs and Snakes have so far resisted all the allurements that have been offered them, and kept themselves untrammelled by this unholy alliance; and I am proud to say that they manifest no inclination whatever to participate in it.

And this fact has, no doubt, been a source of disappointment to this *ex-officio superintendent of Indian affairs*, as he persists in styling himself, and invoked upon my head a series of persecutions, which ran so high at one time that the destruction of the Indian settlement on the Spanish fork (as I am credibly informed) was actually resolved upon; and nothing perhaps but the fear of open hostilities with the Indians prevented them from executing their resolution.

Believing that I had maintained my position among them for the last three or four months under circumstances of the most extreme hazard to my life, I determined, on the twenty-seventh day of September last, to try to make my escape, and seek protection with the army,

then en route for Utah; and for an account of the particulars of that event I must refer to my letter of the 24th October to Colonel A. S. Johnston, a copy of which is also transmitted herewith.

The policy which I deemed advisable to pursue with the Indians in this Territory, so far as they have been placed under my control, has incurred heavier disbursements than the appropriations by Congress would enable the Commissioner to liquidate, and consequently exposed myself to the reproach of being regarded as an injudicious public officer, and unworthy of the public trust. But of this I have no disposition, at present, to complain, as I have ever admired the tenacity with which the administrators of the government adhere to rules of economy in disposing of the national treasure. Neither have I any particular desire to assume responsibilities; but the conviction that the service demanded my utmost exertions impressed itself upon my mind with a force too powerful for me to resist. Consequently, I have maintained this policy under circumstances of the most extreme adversity, and, more recently, of danger to my life. Yet I am gratified to say that I now realize all that I could reasonably have anticipated; and in the midst of *rebellion* and *treason*, on the part of the white population of Utah, I am able to present the major portion of the poor natives with hands unspotted and uncontaminated by this cursed evil.

Having realized in this fact the consummation of my fondest hopes and only aim, I would respectfully say, in conclusion, that I have, personally, no further inclination to impose my services upon the country.

Respectfully, your obedient servant,

GARLAND HURT,
Indian Agent, Utah.

Hon. JACOB FORNEY,
Superintendent.

No. 44.

CAMP ON SWEET WATER,
October 24, 1857.

SIR: Having recently fled from the Indian settlement on Spanish fork, in the Territory of Utah, somewhat precipitately, and reached this place on yesterday, after wandering for twenty-seven days through mountains and deserts, in company with the Utah Indians, I venture to trouble you with a brief statement of the circumstances which induced me to abandon the agency and entrust my life to the care and protection of the savages.

For some time previous to my departure it had been the settled opinion of the people of Utah that the troops could not get further than Green river this season, consequently I reasonably concluded that the territorial officers would not venture to cross the mountains before spring; and under the embarrassed condition in which the detention of the mails, and the very unsettled state of governmental

relations with Utah had placed me, I deemed it important to seek an interview with them before winter set in. And as I had been previously advised that no person would be allowed to leave the Territory or cross the mountains without the humiliating ceremony of applying to Brigham Young for a passport, the alternative of organizing an Indian escort suggested itself to my mind, the first conception of which grew out of the deep concern these untutored creatures had for my safety; and I was the more inclined to avail myself of this suggestion from the fact that several of the chiefs of the Uinta country were then on a visit at the farm, soliciting me to accompany them to that valley for the purpose of inspecting the adaptation of its climate and soil for the cultivation of grain, as they had become much pleased with the course of policy we were pursuing with the Indians in Utah county.

On the morning of the 27th ultimo, while I was yet discussing the propriety of this resolution in my mind, some half dozen of the natives rushed into my office room, exclaiming, "Friend! friend! the Mormons will kill you!" and pointed to the window on the eastern side of the house. On looking out, to my surprise, I saw seventy-five or one hundred armed dragoons stationed in the road about a mile from the house; and as I did not manifest quite as much concern as the Indians thought the occasion justified, they gathered hold of me and gave me to understand that they would not let me stay any longer. I commenced arranging my official papers so as to be able to remove them instantly if necessary, for I did not understand what it all meant. In a few seconds another Indian came in to inform me that the Spanish fork cañon was full of Mormons armed with guns and pistols, and said they were going to kill me; and he had scarcely time to tell his story when another came in great haste and said that a Mormon squaw, at Springville, had told him to run and tell me that the Mormons were going to kill me. He also reported a large body of armed men on the road between Springville and the Indian farm. It was also reported by another Indian that the Mormons at Payson (the town on the south) were all in arms, (although it was the Sabbath.)

The Indians would not quit my room, but began to gather up my bedding and wearing apparel, when my interpreter came into the room in an apparent state of excitement, and exclaimed: "Doctor, you're gone in!"

I asked what it all meant. He said it was understood all over the country that I was about leaving with the Indians, and handed me a note from Mr. Butler, bishop of the Spanish fork settlement, stating that he had learned from various sources that I intended going out with the Indians, in violation of the *martial law* now in force. He felt it his duty to inform me that I could not leave, that they were resolved to enforce the law at all hazards.

I regret having mislaid this letter, but the above is its purport, which revealed to me the meaning of so much military array.

To think that an officer of the government should be thus menaced while in the peaceful discharge of his official duties, could not fail to excite in the bosom of any one possessed of a spark of patriotism

feelings of the most indignant scorn. To be detained by force, and used as a tool in a most treasonable opposition to the laws of the country, as occasion might require, or to fall a victim to that brutal revenge which seeks gratification only in the sacrifice of life, was too humiliating to contemplate for a moment. I determined to extricate myself from the dilemma, or die in the attempt, and turned to ask some one to bring my horse; but when I reached the door I found that the chief's son, (a sprightly boy,) had already performed that service, and while he was saddling him, I gathered my papers and wearing clothes, threw them into some meal sacks, and pitched them out of doors to the Indians, who all appeared eager to assist me in my escape. In the presence of an armed populace, I set out in company with three Indian youths, whose names are Peto, Sam and Showershockets. Mr. Joseph P. Walters, of Salt Lake City, also accompanied me.

Instead of going east, as our enemies expected, we took a western course; but when it was discovered that we intended reaching the mountains by a circuitous route, some half dozen persons on horseback came out from the town of Payson to tap our course just ahead of us. We wheeled short to the right, but just in our front lay a small stream so deep and miry that stock were not in the habit of crossing it. I urged my horse, and he attempted to clear it at a single bound, but, failing to reach the opposite bank with his hind feet, fell back into water and mud over the top of his hips. I lit upon the bank over his head, and by pulling at the reins assisted him in extricating himself, which he did after several desperate struggles. My comrades sallied down stream a little and had better success. Our pursuers were by this time within three or four hundred yards of us. I remounted in haste and soon found, to my great satisfaction, that the stamina of the noble animal had not been much exhausted, and, though I lost my spur in the struggle, that I could easily dispense with its service. At the distance of about two miles we reached the base of a low mountain ranging north and south, but were doubting the propriety of pursuing a western course, as our friends behind were not aware of this change of the programme; but just at this time a despatch was brought us by two boys from the old chief, telling us to be sure and return to the farm that night. We reached the summit as the sun was about setting, and made a feint. Instead of continuing west, we only descended far enough below the summit to hide ourselves, and turned north, and continued this course for two or three miles; when we thought our pursuers were about gaining the summit, we turned again upon the eastern side of the slope, and dropped into a little hollow, where we waited for the daylight to disappear. This completely foiled our enemies, for the ground was so hard and stony that they could not discover our tracks; and as the half-grown moon began to shed her silver rays upon the mountain slope, we remounted and bounded over the prairie towards the point from whence we had set out. We reached the farm at about 8 p. m., and found about one hundred of our red friends anxiously awaiting our return, and who manifested great joy at our arrival. My first inquiry was, where the Mormons were? when twenty voices shouted "cotch carry Mormon," (not here Mormon.)

I had left some forty-five head of horses and mules, and was about inquiring for them, when I discovered that they were upon the back of the most of them. They then related how they had sallied out during the day and driven the enemy out of the cañon, with threats of what course they should pursue in the event that I and my comrades were murdered. Taking some bread and meat that we found in the cellar, we made our escape up the Spanish fork in the direction of the Uinta country, and before ten o'clock the next day had placed ourselves quite beyond the reach of our enemies, and had passed, in the meantime, no less than three hundred Indians, the most of whom had left the farm the day before and were halting on the way to learn more fully the fate of the *American*, as they called me; and before sunset all my papers, clothes, &c., were returned to my possession.

From that time hence I have been entirely dependent upon these poor, untutored children of nature for life and subsistence. I have shared a liberal portion of their meagre hospitalities and crude sympathies in my bereavements; and though they were evidently conscious that they were unable to treat me as I had been accustomed, they have manifested a devotion to my person and a regard for my safety far in advance of their present knowledge of Christian civilization.

When we left the Indian settlement the season was mild and salubrious, but as early as the 9th instant we encountered a severe snowstorm, which pelted without mercy the naked skins of my shivering escorts; also, on the 12th and 13th, in crossing the Green River mountains, we waded through snow knee deep, subjecting my party to the utmost degree of privation and suffering, yet, throughout, their attachment was unremitting, and they would often, when around their camp fires, assure me that if any attempt was made to take my life, they would die in my defence. The weather is now becoming intensely cold, and even as early as the 16th winter had set in with unusual severity; while, in the meantime, we became short of provisions, and were compelled to submit to the most extreme suffering from hunger during the last two days of our journey, yet, through all these privations, I had the satisfaction to be frequently assured that my companions would feel themselves amply rewarded if they could only be the means of restoring me to the bosom of my friends, and relieving me from that danger to which they had so often warned me that my life was exposed.

I feel it a duty which I owe to the Utahs to make a fair and candid exposition of these facts; for I doubt if ever an agent of the government in the Indian service witnessed similar attachment for his person, or more loyalty to those laws and regulations which have been instituted for their government, than has been manifested on this occasion.

The absence of any one in charge of this superintendency, I trust, will be a sufficient apology for thus obtruding these facts upon your notice.

Very respectfully, your obedient servant,

GARLAND HURT,
Indian Agent.

Col. A. S. JOHNSTON, *U. S. A.*

No. 45.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Great Salt Lake City, Utah Territory, Oct. 7, 1857.

SIR: I improve the opportunity by first succeeding mail via Panama, to inform you that I forward my report and accompanying papers for the quarter ending September, 1857, by the hands of the Hon. J. M. Bernhisel, our delegate to Congress, who accepted a very courteous invitation from Captain Van Vliet, U. S. A., to cross the plains with him, en route to Washington; and, notwithstanding the quarter was not quite ended, I deemed that course all the more proper from the fact that the mail to this Territory from Independence, Missouri, had been stopped by the Post Office Department, and it was not known how soon the mail from California might also be stopped.

I have also the honor to inform you that Dr. Garland Hurt, a United States Indian agent in this superintendency, saw fit to leave the field of his official duty on the 26th of September last, in company with some Indians, whom it is said he had hired to escort him to the United States troops, and without having made any report to me of his wishes and designs, or of the disposition he had made of the affairs of his agency.

Such an occasionless and unwise movement on his part, altogether needlessly exposing himself to sickness, hardship, and danger, I did all in my power, upon the earliest intimation of his plans, to prevent, as will be seen by a letter addressed to him, (a copy of which I enclose,) but which, unfortunately, did not reach his place of residence until a few hours after his departure.

Trusting that my official course, as above indicated, will meet the cordial approval of your judgment, I have the honor to be, very respectfully,

BRIGHAM YOUNG,
Governor, and ex-officio Superintendent of Indian Affairs, U. T.
Hon. JAS. W. DENVER,
Commissioner of Indian Affairs, Washington, D. C.

No. 46.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Great Salt Lake City, U. T., Sept. 26, 1857.

SIR: I am informed that you purpose going to the States by some unfrequented route, and in company with certain Indians as pilots and travelling companions. Such a course is very unsafe and highly improper in an officer of our government. I therefore respectfully advise you, when you are ready to start upon your journey to the east, to call upon me at my office in Great Salt Lake City, and I hereby pledge you sufficient escort and a comfortable carriage for your speedy and safe transportation to the protection of the United States troops en route for this Territory.

Trusting that this advice will meet with cheerful compliance on your part, I am,

BRIGHAM YOUNG,
Governor, and ex-officio Sup't of Indian Affairs.

Dr. GARLAND HURT,
U. S. Indian Agent for Territory of Utah.

OFFICE OF INDIAN AGENCY, U. T.,
City of Provo, December 1, 1857.

SIR: I received a letter from Governor Brigham Young, who still officiates as superintendent of Indian affairs (the newly appointed superintendent not having arrived,) dated 16th of October last, instructing me to operate in the affairs of the agency of Major Garland Hurt, who has seen proper, for reasons with which I am not acquainted, to leave this Territory. I have complied with the instructions of the superintendent, and on the 17th day of October last, entered upon the duties of his agency in connexion with those of my own; and as the affairs of his agency are in a somewhat embarrassed condition, it will require some time to make out a correct report of the condition of his affairs on the different reservations at Spanish fork, Corn creek, and north and south San Pete; but as soon as circumstances will admit, I will forward a report of the condition of the agency, as far as I shall be able to collect them accurately. I have deemed it prudent to forward a copy of the superintendent's letter, for the use of the department.

I have the honor to be, most respectfully, your ob't serv't,

GEO. W. ARMSTRONG,
Indian Agent.

Hon JACOB THOMPSON,
Secretary of the Interior, Washington, D. C.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Great Salt Lake City, Utah Territory, Oct. 16, 1857.

SIR: Since Dr. Garland Hurt, late United States Indian agent, has seen proper to abandon his agency in this Territory, you are hereby instructed to operate in the affairs of his late agency, to carry on or to wind up the affairs thereof, to the best interests of the Indians, the government, and all parties concerned.

I would recommend that Bishop John L. Butler, at Spanish fork, Bishop Warren S. Snow, at Maute, Bishop Lewis Brunson, at Fillmore, and Bishop Farnsworth, at Beaver, be requested by you to aid you in carrying out this instruction in their several localities.

All is peace and good news from the east.

BRIGHAM YOUNG,
Governor, and Superintendent of Indian Affairs.

GEORGE W. ARMSTRONG,
U. S. Indian Agent.

P. S.—By reference to the books of Major Hurt, I find that the individuals mentioned in the superintendent's letter are generally those that were in his employ at the time he left the Territory.

Respectfully, &c.,

GEORGE W. ARMSTRONG,
Indian Agent.

The foregoing letters, marked 47 and 48, were received by the Secretary of the Interior on February 16, 1858, and referred to the Commissioner of Indian Affairs on February 19, 1858.

ATTORNEY GENERAL'S OFFICE,
February 24, 1858.

SIR: In reply to so much of the resolution of the House of Representatives, of the 27th ult., referred by you to this office, calling for "information which gave rise to the military expeditions to Utah Territory," &c., I have the honor to transmit herewith:

1. The letter of resignation of W. W. Drummond, associate justice of supreme court of Utah Territory.

2. The letter of Curtis Bolton, deputy clerk of the supreme court of Utah Territory, in reply to allegations contained in W. W. Drummond's letter of resignation; the above being all the correspondence on the files of this office relating to the subject.

I am, very respectfully,

J. S. BLACK.

The PRESIDENT.

NEW ORLEANS, LA, *April* 2, 1857.

DEAR SIR: When I started for my home in Illinois, I designed reaching Washington before the executive session adjourned, but could not accomplish the long and tedious journey in time; thence I concluded to come this way, and go up the Mississippi river to Chicago.

You will see that I have made bold charges against the Mormons, which I think I can prove beyond doubt. You will see by the contents of the enclosed paper, wherein is inserted my resignation, some of the reasons that induced me to resign. I now refer you to Hon. D. W. Burr, surveyor general of Utah Territory, Hon. Garland Hurt, Indian agent; also C. L. Craig, esq., D. L. Thompson, esq., John M. Hockaday, esq., John Kerr, esq., Gentiles of Great Salt Lake City, for proof of the manner in which they have been insulted and abused by the leading Mormons for two years past. I shall see you soon on the subject.

In haste, yours truly,

W. W. DRUMMOND.

Hon. JEREMIAH S. BLACK, *Attorney General, &c.*

Resignation of Judge Drummond.

MARCH 30, 1857.

MY DEAR SIR: As I have concluded to resign the office of justice of the supreme court of the Territory of Utah, which position I accepted in A. A., 1854, under the administration of President Pierce, I deem it due to the public to give some of the reasons why I do so. In the first place, Brigham Young, the governor of Utah Territory, is the acknowledged head of the "Church of Jesus Christ of Latter Day Saints," commonly called "Mormons;" and, as such head, the Mormons look to him, and to *him alone*, for the *law* by which they are to be governed: therefore no law of Congress is by them considered binding in any manner.

Secondly. I know that there is a secret oath-bound organization among all the male members of the church to resist the laws of the country, and to acknowledge no law save the law of the "Holy Priesthood," which comes to the people through Brigham Young direct from God; he, Young, being the vicegerent of God and Prophet, viz: successor of Joseph Smith, who was the founder of this blind and treasonable organization.

Thirdly. I am fully aware that there is a set of men, set apart by special order of the Church, to take both the lives and property of persons who may question the authority of the Church; the names of whom I will promptly make known at a future time.

Fourthly. That the records, papers, &c., of the supreme court have been destroyed by order of the Church, with the direct knowledge and approbation of Governor B. Young, and the federal officers grossly insulted for presuming to raise a single question about the treasonable act.

Fifthly. That the federal officers of the Territory are constantly insulted, harrassed, and annoyed by the Mormons, and for these insults there is no redress.

Sixthly. That the federal officers are daily compelled to hear the form of the American government traduced, the chief executives of the nation, both living and dead, slandered and abused from the masses, as well as from all the leading members of the Church, in the most vulgar, loathsome, and wicked manner that the evil passions of men can possibly conceive.

Again: That after Moroni Green had been convicted in the district court before my colleage, Judge Kinney, of an assault with intent to commit murder, and afterwards, on appeal to the supreme court, the judgment being affirmed and the said Green being sentenced to the penitentiary, Brigham Young gave a full pardon to the said Green before he reached the penitentiary; also, that the said Governor Young pardoned a man by the name of Baker, who had been tried and sentenced to ten years' imprisonment in the penitentiary, for the murder of a dumb boy by the name of White House, the proof showing one of the most aggravated cases of murder that I ever knew being tried; and to insult the court and government officers, this man Young took this pardoned criminal with him, in proper person, to church on the next Sabbath after his conviction; Baker, in the meantime, having received a full pardon from Governor Brigham Young. These two men were Mormons. On the other hand, I charge the Mormons, and Governor Young in particular, with imprisoning five or six young men from Missouri and Iowa, who are now in the penitentiary of Utah, without those men having violated *any criminal law in America*. But they were anti-Mormons—poor, uneducated young men *en route* for California; but because they emigrated from Illinois, Iowa, or Missouri, and passed by Great Salt Lake City, they were indicted by a probate court, and most brutally and inhumanly dealt with, in addition to being summarily incarcerated in the saintly prison of the Territory of Utah. I also charge Governor Young with constantly interfering with the federal courts, directing the grand jury whom to indict and whom not; and after the judges charge the grand juries as to their duties, that this man Young invariably has some member of the grand jury advised in advance as to his will in relation to their labors, and that *his charge thus given is the only charge known, obeyed, or received by all the grand juries of the federal courts of Utah Territory.*

Again, sir, after a careful and mature investigation, I have been compelled to come to the conclusion, heart-rending and sickening as it may be, that Captain John W. Gunnison, and his party of eight others, were murdered by the Indians in 1853, under the orders, advice, and direction of the Mormons; that my illustrious and distinguished predecessor, Hon. Leonidas Shaw, came to his death by drinking poisoned liquors, given to him under the order of the leading men of the Mormon Church in Great Salt Lake City; that the late secretary of the Territory, A. W. Babbitt, was murdered on the plains by a band of Mormon marauders, under the particular and special order of Brigham Young, Hebr C. Kimball, and J. M. Grant, and not by the Indians, as reported by the Mormons themselves, and that they were sent from Salt Lake City for that purpose, and *that only;* and as members of the Danite Band they were bound to do the will of Brigham Young as the head of the church, or forfeit their own lives. These reasons, with many others that I might give, which would be too heart-rending to insert in this communication, have induced me to resign the office of justice of the Territory of Utah, and again return to my adopted State of Illinois.

My reason, sir, for making this communication thus public is, that the democratic party, with which I have always strictly acted, is the party now in power, and, therefore, is the party that *should now* be held responsible for the treasonable and disgraceful state of affairs that now exists in Utah Territory. I could, sir, if necessary, refer to a cloud of witnesses to attest the reasons I have given, and the charges, bold as they are, against those despots, who rule with an iron hand their hundred thousand souls in Utah, and their two hundred thousand souls out of that notable Territory; but I shall not do so, for the reason that the lives of such gentlemen as I should designate in Utah and in California, would not be safe for a single day.

In conclusion, sir, I have to say that, in my career as justice of the supreme court of Utah Territory, I have the consolation of knowing that I did my duty, that neither threats nor intimidations drove me from that path. Upon the other hand, I am pained to say that I accomplished little good while there, and that the judiciary is only treated as a farce. The only rule of law by which the infatuated fol-

lowers of this curious people will be governed, is the law of the church, and that emanates from Governor Brigham Young, and him alone.

I do believe that, if there was a man put in office as governor of that Territory, who is not a member of the church, (Mormon,) and he supported with a *sufficient* military aid, much good would result from such a course; but as the Territory is now governed, and as it has been since the administration of Mr. Fillmore, at which time Young received his appointment as governor, it is noonday madness and folly to attempt to administer the law in that Territory. The officers are insulted, harassed, and murdered for doing their duty, and not recognizing Brigham Young as the only law-giver and law-maker on earth. Of this every man can bear incontestable evidence who has been willing to accept an appointment in Utah; and I assure you, sir, that no man would be willing to risk his life and property in that Territory after once trying the sad experiment.

With an earnest desire that the present administration will give due and timely aid to the officers that may be so unfortunate as to accept situations in that Territory, and that the withering curse which now rests upon this nation by virtue of the *peculiar* and heart-rending institutions of the Territory of Utah, may be speedily removed, to the honor and credit of our happy country, I now remain your obedient servant,

W. W. DRUMMOND,
Justice Utah Territory.

Hon. JEREMIAH S. BLACK,
Attorney General of the United States, Washington City, D. C.

GREAT SALT LAKE CITY, UTAH TERRITORY.

SIR: My attention having been drawn to the letter of Justice W. W. Drummond, under date of March 30, 1857, addressed to yourself, tendering his resignation as associate justice for Utah, wherein my office is called in question, I feel it incumbent upon me to make to you the following report:

Justice W. W. Drummond, in his "fourth" paragraph, says: "The records, papers, &c., of the supreme court have been destroyed by order of Governor B. Young, and the federal officers grossly insulted for presuming to raise a single question about the treasonable act."

I do solemnly declare this assertion is without the slightest foundation in truth. The records, papers, &c., of the supreme court in this Territory, together with all decisions and documents of every kind belonging thereto, from Monday, September 22, 1851, at which time said court was first organized, up to this present moment, are all *safe* and *complete* in my custody, and not one of them missing, nor have they ever been disturbed by any person.

Again, in the decision of the supreme court in the case of Moroni Green, the *which decision was written by Judge Drummond himself*, I find the following words: "That as the case, for which Green was convicted, seems to have been an aggravated one, this court does remit the costs of the prosecution, both in this court and in the court

below." Green was provoked to draw a pistol in self-defence, but did not point it at any one. He was a lad of 18 years old. Much feeling was excited in his favor, and he was finally pardoned by the governor, upon a petition signed by the judges and fficers of the United States, ccurts, the honorable secretary of state, and many of the influential citizens of Great Salt Lake City.

Again: in relation to the "incarceration of five or six young men from Missouri and Iowa, who are now (March 30, 1857,) in the penitentiary of Utah, without those men having violated any criminal law in America," &c. This statement is also *utterly false*.

I presume he alludes to the incarceration, on the 22d January, 1856, of three men, and on the 29th January, 1856, of one more; if so, these are the circumstances:

There were quite a number of persons came here as teamsters in Gilbert and Gerrish's train of goods, arriving here in December, 1855, after winter had set in. They arrived here very destitute; and at that season of the year there is nothing a laboring man can get to do. Some of these men entered the store of S. M. Blair & Co., at various times in the night, and stole provisions, groceries, &c. Some six or eight were indicted for burglary and larceny. Three plead guilty, and a fourth was proven guilty; and the four were sentenced to the penitentiary for the shortest time the statute allowed for the crime; and just as soon as the spring of 1856 opened, and a company was preparing to start for California, upon a petition setting forth mitigating circumstances, the governor pardoned them, and they went on their way to California. It was a matter, well understood here at the time, that these men were incarcerated more particularly to keep them from committing further crime during the winter.

Since that time there have been but four persons sentenced to the penitentiary, one for forgery and three for petty larceny, for terms of sixty and thirty days, to wit: One on the 19th November, 1856, for larceny, thirty days; two on the 24th November, 1856, for aggravated larceny, sixty days; and one on the 26th January, 1857, for forgery, thirty days. So that on the 30th March, 1857, (the date of W. W. Drummond's letter,) there was not a white prisoner in the Utah penitentiary, nor had there been for several days previous, nor is there at this present writing.

I could, were it my province in this affidavit, go on and refute all that Judge W. W. Drummond has stated in his aforesaid letter of resignation, by records, dates, and facts; but believing the foregoing is sufficient to show you what reliance is to be placed upon the assertions or word of W. W. Drummond, I shall leave the subject.

In witness of the truth of the foregoing affidavit, I have hereunto subscribed my name and affixed the seal of the United States [L. S.] supreme court for Utah Territory, at Great Salt Lake City, this twenty-sixth day of June, A. D. 1857.

CURTIS E. BOLTON,
Deputy Clerk of said U. S. Supreme Court for Utah, in the absence of W. J. Appleby, Clerk.

Hon. JEREMIAH S. BLACK,
Attorney General of the United States, Washington, D. C.

Mess. + Docs. H.R. 35th Cong. 2d Sess. Ex. Doc. no. 2.

1858

[Refer. Comm. Indian Affairs.]

No. 78.

UTAH SUPERINTENDENCY.

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS, W. T.,
Great Salt Lake City, Utah Territory, September 6, 1858.

SIR: In accordance with the regulations and requirements of the Indian department, I have the honor to submit to you a report of my doings among the Indians of this Territory.

I received my commission on the 9th day of September, A. D. 1857, and with the least possible delay thereafter commenced my journey to my superintendency. It was the opinion of the Secretary of the Interior and yourself that I could reach Fort Leavenworth in time to come out under the protection of Colonel Cook's command, but I found on my arrival at the fort that the command had left and were *en route* twelve days. I did not overtake it until it reached Fort Laramie.

My party reached Camp Scott, near Fort Bridger, on the 17th day of November last, after experiencing extremely cold weather in the mountains; and it was only through the kindness of Colonel Cook (to whom I am much indebted) that we were enabled to reach the camp of the Utah army.

On account of the inclement state of the weather, and the troubled condition of affairs in this Territory, I was compelled to remain during the whole of last winter at Camp Scott, and of course was not very favorably situated to attend to the duties of my office. I had a building erected, however, and entered upon my official duties in the best manner possible under the circumstances.

The tribes and fragments of tribes with whom I had business relations during my forced residence at Camp Scott are as follows, to wit: on the second day of December last I was visited by San-Pitch, a principal chief of the Utahs, and a few of his men. I will speak more elaborately of this tribe in the progress of this report. They wished to see Agent Hurt, who was then residing at Camp Scott. I gave them a few presents; this was my first official act with the Indians.

On the 10th of December following, Little Soldier, chief, and Benj. Simons, sub-chief, of a band of Sho-sho-nes, with some of their principal men, called on me; several merchants, however, who had recently and for several years resided in Salt Lake City, and who were well acquainted with this tribe from their proximity to the Mormon settlements, regarded their visit with suspicion. It was believed by many that they were spies. I learned, however, that their reason for visiting camp was to ascertain the object and ultimate destination of so many soldiers in the Territory. All this was explained to them, and after receiving some presents they departed for their homes in Weber valley. Ben Simons understands and speaks English sufficiently well to answer for an interpreter. I visited this tribe in April last. They then encamped on Bear river. The ter tory claimed by them includes Salt lake, Bear river, Weber river and Cache valley. Almost all the arable land belonging to them is occupied by white settlers, and if not in actual cultivation is held by virtue

of certain legislative grants as herd grounds. I can learn of no effort having been made to locate any portion of this tribe. This is to me surprising, as they have frequently solicited me to select some suitable place to enable them to raise wheat and corn. It was my intention to visit Weber and Cache valleys with this object in view, several events, however, which have lately transpired render this impossible this season. There is no tribe of Indians in the Territory with whom I have any acquaintance that have been so much discommoded by the introduction of a white population as the Sho-sho-nes. For the past few years they have been compelled to live in the mountains, (as the game has all been driven off the lowlands,) where the snow frequently falls to such depths as to be destructive to man and beast. But notwithstanding all the disadvantages under which they labor from the introduction of a white populace, I cannot learn that they have ever molested any of our citizens, but, on the contrary, have always been friendly.

About the 22d day of December last, I was visited at Camp Scott, by White-eye and San-pitch, Utah chiefs, with several of their bands. They were destitute of provisions and almost in a starving condition, while it was not in my power to procure provisions for them. I was assured by Agent Hurt that they had always been peaceably disposed towards the whites. After making them some presents I dismissed them, and they returned to their camp on Henry's fork. These Indians belong to one of the principal tribes of this Territory. There is but one other large tribe, (the Snakes,) as I am informed. Both the principal tribes are, of course, divided into a great number of small bands, but all submit to the authority of one or the other of the chiefs of their respective tribes.

The best land belonging to the Utahs is situated in Utah valley, which is well watered by numerous small streams. All the land that is susceptible of cultivation is occupied, and most of it is now being farmed. There are eight towns in this valley, with populations ranging from three hundred to four thousand souls. It was once the favorite hunting ground of the Utahs, but civilization has driven the game from the valleys; there remains, however, an abundance of fish in all the streams. Much has been done and is doing for this tribe, (the Utahs.) Three years ago Agent Hurt opened up two farms for them on land claimed by them, one on Spanish Fork creek, in Utah county, the other on Salt creek, in Sanpet valley, one hundred and seventy miles south of this city. I visited Spanish Fork farm in June last, and, together with ex-Agent Armstrong and Thomas J. Hunt, took a list of the government property on the farm.

There is quite a discrepancy in relation to the extent of this reservation between the agent who commenced it and the authorities of Spanish Fork City. Upon my first visit to the farm Agent Hurt had not returned to it. Not knowing the quantity of land he intended to include in the reservation, I marked some natural boundaries myself. Upon the return of Agent Hurt he assured me that the points I had designated were the ones he always intended as the boundaries of the reservation.

In regard to the reservation I had a personal interview with the

authorities of Spanish Fork City, and it is really extraordinary to me that they have never raised objections to this reserve prior to this time. It is with extreme regret that I am forced into a controversy with them, imperative duty requiring me to take the course I do. Years ago, at the request of the then superintendent, (B. Young,) Agent Hurt commenced the Indian reservation precisely where indicated—has made improvements from time to time at a cost of from $15,000 to $20,000, and now, for the first time, is required to give an account of his "stewardship" to the inhabitants of Spanish Fork City. I am clearly of the opinion that this claim is unfounded, from the letter of Agent Hurt as well as from my own observation. I shall, therefore, proceed to have the reserve enclosed as soon as possible.

Strenuous efforts will be made to induce this tribe (the Utahs) to locate permanently, as no permanent good can ever be done for them so long as they roam about in their wild state.

I visited San-Pete creek farm last month, (August,) which is situated in the west end of San-Pete valley and county. This farm was opened about two years ago, under the directions of Agent Hurt, for a band of the Utahs under Chief Arapeen, a brother of San-Pitch. It is the second farm within the boundaries of this tribe, and is well watered and timbered, and has a sufficiency of good grazing land; for these reasons I consider it a more eligible location for an Indian reserve than that at Spanish Fork.

On this farm there are one hundred and ninety-five acres of land under cultivation, and will produce this year (1858) about twelve hundred bushels of wheat, besides small quantities of corn and potatoes.

From the loose manner in which business had been previously conducted on the farm I appointed a new overseer, who is acquainted with the Indian language.

The Indians are to perform all the work; with proper care in imparting instruction, not only this but all the other Indian farms may in a short time be worked by Indian labor.

The experiment of agriculture among the Indians of this Territory has not been as successful as might have been anticipated, when we consider the destitute condition of those for whom it has been introduced.

Indians are proverbially lazy, and only the pinchings of hunger will drive them to work, so much white labor has heretofore been employed to do work for them, and they have not been sufficiently taught that their subsistence depends upon their own labor. But notwithstanding the comparative ill success of the agricultural experiment, it is the only available means of ameliorating the condition of the Indians in this Territory, as game enough could not be found to subsist them for one year. In my opinion, reservations should be made without delay. Every acre of arable land that can be irrigated will be occupied in a very short time. I will give this subject my earliest attention. I have instructed Agent Dodge to attend to this as soon as possible in Carson valley.

A farm was commenced several years ago for a small tribe called the Pah-vants, on Corn creek, in Milliard county, under the direction of Agent Hurt. Ranosh, the chief of this tribe, visited me, and ex-

pressed a desire that some good white man might be placed upon the farm to direct them, assuring me that the Indians would do all the work. His request was not as Indians' generally are, for paint, beads, &c., but for agricultural implements. I employed a Mr. Boyce to take charge of this farm, at fifty dollars per month; no other white labor will be employed. Eighty acres of wheat were raised upon this farm this year. I will visit it in January and define a reservation.

I have visited a small tribe called the Go-sha-utes, who live about forty miles west of this city. They are, without exception, the most miserable looking set of human beings I ever beheld. I gave them some clothing and provisions. They have heretofore subsisted principally on snakes, lizards, roots, &c. I made considerable effort to procure a small quantity of land for them, but could not find any with water sufficient to irrigate it. I will give this matter my attention as soon as possible after my return from the Humboldt.

I have heretofore spoken of a large tribe of Indians known as the Snakes. They claim a large tract of country lying in the eastern part of this Territory, but are scarcely ever found upon their own land.

They generally inhabit the Wind river country, in Oregon and Nebraska Territories, and they sometimes range as far east as Fort Laramie, in the latter Territory. Their principal subsistence is the buffalo, and it is for the purpose of hunting them that they range so far east of their own country. This tribe numbers about twelve hundred souls, all under one principal chief, Wash-a-kee. He has perfect command over them, and is one of the finest looking and most intellectual Indians I ever saw.

He prides himself that neither he, nor any of his tribe, have ever molested a white, although the great overland route from the States to California passes immediately through their country.

It seems somewhat strange that this tribe has never received any attention whatever from any of the officials of this Territory. This I learned, not only from the Indians, but from other persons who have been among them for several years, and especially from Major Bridger, one of the earliest pioneers of this country.

The only portion of the country of this tribe suited for agricultural purposes is the valley of Henry's Fork, about forty miles south of Fort Bridger and opening out into Green River valley. This Wash-a-kee wished to reserve, and is very anxious I should open a farm for them. For this purpose I sent Agent Craig to Green River county; but I fear the matter will have to be postponed for this winter for want of a suitable person to take charge of the farm.

For several years an enmity has existed between the Utahs and the Snakes. My attention was directed to this soon after entering upon my official duties. I alluded to the feud during my first interview with the Utahs, in December last, but their war-chief, White-eye, did not seem disposed to talk about it, and it was not until April last that they signified their willingness to make peace with the Snakes. On the 3d day of May I received information that the Snake tribe of Indians were encamped on Green river. Reports were in circulation that they had come to make war upon the Utahs, who were encamped in the vicinity of Camp Scott. Immediately upon hearing the report,

I despatched a messenger to Wash-a-kee to learn his intentions, and if he intimated hostility to the Utahs to persuade him to encamp at some convenient place, until I could have a talk with him. On the 6th day of May my express man returned, and informed me that Wash-a-kee was willing to leave the adjustment of the difficulties between his tribe and the Utahs to me.

Accordingly, on the 13th of May, Wash-a-kee, of the Snakes, White-Eye, Son-a-at, and San-Pitch, of the Utahs, with the sub-chiefs of the different tribes, and also several chiefs of the Ban-acks, (of whom I will speak further hereafter,) assembled in council at Camp Scott, when, after considerable talk and smoking, peace was made between the two tribes. After I had given the Snakes and Ban-acks some presents they left camp.

The latter tribe (Ban-acks) I had frequently heard of, but supposed they were part of a tribe of the same name who live in Oregon Territory, and consequently not within my superintendency; but upon making inquiry I learned that they were a separate and distinct people, claiming a country lying within my superintendency.

In their habits and appearance they are much like the Snakes, with whom they are on terms of the greatest intimacy. They number between four and five hundred, and are all under one principal chief, named Horne.

Immediately after I received your communication in relation to the massacre of the Arkansas emigrants, three hundred miles south of this, on the southern California road, I procured the services of a reliable person, well acquainted with the southern Indians and their language, and since the latter part of June have been in constant communication with these Indians. My endeavor to establish peaceful relations with them has proved successful beyond my expectations. This route to California is now free from all danger from Indians.

I have succeeded in recovering ten of the children remaining from the massacre of last September. It is supposed that there are more in the neighborhood; if so, they will be found.

I am now busily engaged in preparing for a trip to the Humboldt river. Having learned that the Indians in that region were committing depredations upon travellers, and, in one instance, having attacked the mail party and stampeded their stock, I will travel with an escort. In addition to which, one hundred and fifty men, (one hundred mounted and fifty infantry,) upon a requisition from his excellency Gov. A. Cumming, will proceed to the Humboldt, subject to my orders.

It is my present intention to proceed to Gravelly Ford, which is one hundred miles beyond the first crossing of the Humboldt, and if circumstances permit will proceed to Carson valley and establish Agent Dodge, who accompanied me, in his position.

I am, sir, very respectfully, your obedient servant,

JACOB FORNEY,
Superintendent of Indian Affairs, W. T.

Hon. C. E. Mix,
Commissioner of Indian Affairs, Washington, D. C.

No. 79.

OREGON AND WASHINGTON SUPERINTENDENCY.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oregon, August 20, 185[illegible].

SIR: In compliance with the regulations of the Indian department, I have the honor to submit this my second annual report, showing the condition of the affairs of this superintendency.

The accompanying reports of agents will exhibit to you a detailed statement of the condition and prospects of the different tribes and bands of Indians under their respective charge.

Since my annual report of last year nothing has occurred to change the general condition of the Indians inhabiting that portion of this superintendency embraced within the Territory of Oregon west of the Cascade mountains.

The vagabond and outlaw Indians, whom I reported one year ago as prowling about in the mountains contiguous to the Umpqua and Rogue river valleys, as well as those infesting the southwestern portion of the Territory and near the coast, have since been hunted down and taken to the reservation. They were remnants of bands that originally refused to emigrate to the reservations with the main bodies of the tribes to which they belonged, and subsisted themselves for nearly two years in the mountains by forays upon the scattered and defenceless white settlers

The destruction of life and property, &c., occasioned by their predatory excursions, formed a constant and well-grounded source of complaint on the part of settlers, which induced me to incur the heavy expense incident to hunting them down and removing them to reservations.

The policy of collecting the Indians in Oregon, and subsisting them upon reservations, was inaugurated by late Superintendent Palmer in the year 1855, and continued by my immediate predecessor, Superintendent Hedges. At the time when Superintendent Palmer inaugurated the policy the Indians were scattered over the entire Territory, occupying the settled portion of the country with the whites, subsisting themselves by hunting, fishing, begging, and occasionally performing some labor for the white settlers.

The promiscuous occupancy of the country by the two races, while there were but few whites, and the fish and game abundant, seemed, originally, to give but little cause of complaint.

When the country came to be more densely populated, and the fish and game began to disappear, the Indians then discovered that their resources for obtaining a livelihood had been curtailed by the intrusion of the whites, and, as it was frequently alleged, began to pilfer and steal to prevent actual starvation.

The whites had frequent occasions to punish them for the exercise of their thieving propensities; each act of outrage provoked retaliation, until, in the fall of 1855, the whole country became involved in a bloody war. It was then that Superintendent Palmer adopted the plan of separating the two races, by collecting the Indians and locating

Government Document: Ute Indians 1874

C. Hart Merriam
Papers
BANC MSS
80/18 c

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 193.

RECONNAISSANCE IN THE UTE COUNTRY.

[mainly geological]

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report and map of a reconnaissance in the Ute country, made in 1873 *by Lieutenant E. H. Ruffner, of the Corps of Engineers.*

MARCH 19, 1874.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 17, 1874.

The Secretary of War has the honor to transmit to the House of Representatives, in compliance with House resolution of the 6th instant, a copy of a report and map of a reconnaissance in the Ute country, made in 1873 by Lieutenant E. H. Ruffner, of the Corps of Engineers.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 16, 1874.

SIR: In compliance with the reference to this office of a resolution of the House of Representatives of March 6, 1874, I have the honor to transmit herewith a copy of a report and of accompanying map of the reconnaissance in the Ute country, made during the season of 1873 by Lieut. E. H. Ruffner, Corps of Engineers, chief engineer of the Department of the Missouri, under the orders of Brig. Gen. John Pope, commanding that department.

The map has been drawn upon stone, and, should Congress order its publication, transfers can readily be prepared and furnished the Congressional Printer.

By command of Brigadier-General Humphreys, and in his absence.

Very respectfully, your obedient servant,

J. G. FOSTER,
Lieutenant-Colonel Engineers and Brevet Major-General, U. S. A.

Hon. WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF THE CHIEF ENGINEER,
Fort Leavenworth, Kans., February 21, 1874.

SIR: I have the honor to submit herewith my report on the reconnaissance in the Ute country, made during the season of 1873.

* * * * * * *

I am, sir, very respectfully, your obedient servant,
E. H. RUFFNER,
First Lieutenant Engineers.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Missouri.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., February 26, 1874.

Official copy, respectfully forwarded to the Chief of Engineers, Washington, D. C.

* * * * * * *

JNO. POPE,
Brevet Major-General, U. S. A., Commanding.

REPORT OF LIEUTENANT E. H. RUFFNER, CORPS OF ENGINEERS, ON THE RECONNAISSANCE IN THE UTE COUNTRY, SEASON OF 1873.

The origin of the reconnaissance was the disturbed relations between the Ute Indians and the miners of the so-called San Juan district. This district was reported as embracing the claims located on the Animas River, and on the Lake Fork of the Grand River. These districts, formerly opened and abandoned, had become again the centers of wild speculation, and prospectors were reported as rushing there from all quarters. To the Ute Indians, occupying a consolidated reservation indefinitely large and embracing certainly one portion of the field and possibly all, the prospect of a wild flood of white men occupying their lands without any regard to their guaranteed rights was anything but pleasant, and they early protested against the invasion. An attempt was made, in the summer of 1872, to secure a cession from them of the disputed territory. It was a failure, however, and when the rush of miners in the spring of 1873 promised to be greater than usual, the remonstrances of the Utes grew to threats during the winter, and they firmly said that the miners must leave or war would follow. The consequences of a war with the powerful and intelligent tribe occupying the entire mountain region of Colorado could not fail to be dire. Of undoubted courage, possessed of all modern improvements in fire-arms, and with the secure fastnesses of the mountains to fall back on, the tribe could well put on a bold front in making their demands—demands undoubtedly just, as being the only fulfillment of a solemn treaty. The Indian Bureau, with justice, requested that the miners be kept out of the limits of the reservation, and the request was granted. Orders were issued to the military authorities to send such force as would be necessary, and to clear the district by a certain time. To do this it became requisite to know where the reservation extended. The eastern boundary was the 107° meridian from Greenwich, probably as difficult a line to establish as could have been chosen; orders were then verbally given to me to prepare a party to determine points on this line, to accompany the expedition while engaged in its unpleasant duty, and to furnish a full descriptive report of the district in question. The organization of the party, the details of field-work, the particular methods used, were entirely my own, and were faithfully carried out during the season. Written orders in detail were furnished to each member of the party, and where any failure has occurred in carrying them out I have noted it. The danger and, at least, difficulty of running an instrumental line in case of trouble with any Indians or miners was fully appreciated. Fortunately, however, not only on this account but on every other, just before the orders were carried out a new commission was organized to endeavor to secure from the Indians a cession of the disputed territory, and further proceedings were stayed to await the result. It may be stated here that these efforts were successful, and that later in the season a treaty was made with the Indians by which they relinquished the area desired, being pretty nearly that examined by the party on the first trip. The survey was not stopped by this change of action, the party being furnished with an escort and a schedule of proposed route which was fully carried out. Upon the return to Fort Garland it was thought advisable to keep the party in the field long enough to examine the various approaches to the Ute country from the Arkansas, and orders were given to that effect. This was fully and satisfactorily accomplished, and there will be found detailed accounts in this report of all practicable routes of reaching the Ute country from the East. It will be advisable to touch upon the various points of the report more in detail.

REPORT OF THE FIRST ASSISTANT.

Mr. Henry G. Prout, civil engineer, was placed in charge of the survey. My previous acquaintance with him convinced me that he would faithfully carry out his instructions, and his high idea of duty gave the confidence which that alone can give. I can only add that my choice has been one that I could not have regretted. Soon after returning, and while working up his report, he accepted a position as major of engineers in the army of the Khedive of Egypt. Though regretting to leave his work unfinished he felt that it would not be wise to refuse the offer, and I accepted his resignation. The report, as here furnished, is partly his own, and has been completed by assistant, formerly recorder, Donald W. Campbell and myself. Being almost entirely from notes taken by Mr. Prout, he has received the credit for the report itself.

REPORT OF THE GEOLOGIST.

The position on the survey to be given to geology was a subject of some thought, and I finally decided to attempt nothing more than a sketch showing the facts, and drawing as little on the imagination as possible; to keep confined to the practical, particularly in the mining districts, and to include such considerations as soil and timber. That Professor Hawn has been as faithful to his trust as could be desired is undoubted, and that little has escaped his eye is a natural consequence of his untiring industry. I speak decidedly in giving my testimony to

the efficiency of the geologist's assistant, L. Hawn. His report on the Lower Animas River is one of the most interesting portions of the entire report. I beg to state that, although I have slightly altered the form of the geological report, I have endeavored to change nothing in its sense. I am in nowise responsible for any position held therein.

REPORT ON METEOROLOGY.

It was not at first intended to do more than to carry along a barometer for an approximate profile, but the unwearied attention to the matter of Professor Hawn and Mr. L. Hawn has given this department a confidence it could not otherwise have possessed, and I consider the record as all that could have been expected. The tables, as furnished, will be examined again in connection with the numerous observations made for horary curves, and it is hoped a full and accurate set of tables will be the result of careful handling of very imperfect instruments. The various altitudes and thermometrical means are incorporated in the general table giving a synopsis of statistics, and in the special tables furnishing data for profiles of passes.

ASTRONOMY.

This was perhaps the most important branch of the expedition. Mr. Prout was employed during the preceding winter largely in preparation and practice for this. The system of goedetic determination carried on by the instrumental azimuth and distance was checked in three ways by astronomy. 1st. The azimuth, of course, required daily determination by instrument, either sextant or theodolite. 2d. The astronomical latitude. 3d. The astronomical longitude by chronometers. The party was fitted out with two pocket-chronometers, by Hutton, only fair, and a box-chronometer. The latter, carried in a basket, was undoubtedly dropped by a soldier while carrying it, as the broken crystals determine, and the accident occurred before any use was made of it. Opportunity has not been afforded yet for a careful study of the full and numerous astronomical determination made. A careful series of lunar distances at the extreme west of the line will furnish some check on the entire distance from Pueblo. I, myself, assisted by Prof. T. H. Safford, of Dearborn Observatory, determined the longitude of Pueblo by telegraph. A full report of this was published in the Report of the Chief of Engineers for 1873.

I cannot help thinking that when carefully computed the determination of the 107° meridian on this line will have a close degree of accuracy.

The astronomical latitudes are given in the general tables, and it is intended to prepare a complete set of tables showing the various observations and computations.

PHOTOGRAPHY.

The photography of the expedition was conducted by Mr. T. Hine, from Messrs. Copelin & Son, photographers, of Chicago. The indefatigable industry and zeal of this gentleman collected an unbroken series of views illustrating the entire trip, and marred only by two accidents, namely, on approaching Hamilton Pass he met with an injury from falling from his mule, which disabled him for several days and interferred with his collecting views of this interesting portion of the march.

Again, on the return to Fort Garland, through the carelessness of the officer furnishing transportation from Camp Loma, a wagon given to the party was so overloaded that thirty-eight negatives, embracing valuable views taken everywhere, were broken; an irreparable loss. I would particularly call attention to the following views in the subjoined list, as giving the clearest idea of the character of the country: Views on the Musca Pass line, 17–25; Barker's Park and Animas Mining Region, 47–59.

Engineer Mountain, 61.

Lake Creek views, 74–87.

Philosopher's Mountains, 100–104.

Lone Mountain views, 107–111.

Red Mountain Pass views, 120–125.

The successful negatives numbered 142 in all, and are mostly fine specimens of artistic work.

Dry-plate experiment.—I endeavored to experiment on this expedition with the dry-plate process. The materials and plates were furnished by the Scovill Manufacturing Company, of New York. Owing to shortness of time in preparation, no experiments were made before the expedition started. But as Mr. Hine had attempted the process and was reputed to take much interest in the matter, I relied upon his judgment and zeal in giving the matter a full, fair trial. One hundred and forty-four negatives were taken out, and sixty exposed were safely returned. I regret to state, however, that not one was successfully developed. I feel compelled to lay a large part of the failure to carelessness on the part of Mr. Hine. This gentleman, although continually urged to do so, failed to keep a record showing his times of exposure, kind of light, and such items as would naturally assist in forming the judgment as to results. Moreover, he made no attempts at experimental developing in the field. That this was an easy matter is shown by the fact that I myself have succeeded in developing views taken on the same lot of plates as late as in January, with the thermometer at 12°, and I a mere tyro in photography. Moreover, I succeeded in seven out of twelve attempted, and the last one or two were all that could have been desired. If he had tried in the field to develop one or two he would have seen the trouble and corrected it accordingly. As it is, however, the experiment must be considered a total failure, and from no fault of the plates.

[Here follows a list of one hundred and forty stereoscopic views, which is omitted.]

MAPPING AND OFFICE-WORK.

In preparing the preliminary map the engraver, Ado. Hannius, has kept pace with the computors, and the lithograph has taken less time than a drawing would have done, as the facility of reducing directly on the stone. A final reduction will undoubtedly change the line somewhat, but so slightly as to be of no practical importance, especially in the present condition of the country. In computation, the astronomy has been in the hands of Assistant D. W. Campbell. Recorder Samuel Ansley has been in charge of the platting of the instrumental line and computing the stadia line, and Sergt. G. A. Sichtenberg, Company D, Battalion of Engineers, has assisted in a very intelligent and reliable manner. Sergt. R. N. Harper, of the same company, has performed nearly all of the clerical labor.

EXPENSES AND GENERAL RESULTS.

The total number of miles run by the stadia was 908.64; the number of stations occupied where instrumental readings were made was 4,297, besides the astronomical determinations of azimuth. In addition to this must be added the miles traversed by the party in returning over lines previously run, and the various side-reconnaissances made where the prismatic compass was used. This is exclusive of the distance from Cañon City to Pueblo and of Fort Garland to Pueblo on the return. The total of this mileage is 550.85, making a grand total for the season of 1,459.49 miles.

The total cost of the expedition, as paid by this Office, was as follows:

Expenses in the field	$8,127	20
Deduct value on instruments bought and still on hand	815	00
	7,312	20

To this must be added the salary of one draughtsman for six months, being the only addition made to my Office-force on account of the work.

Field-expenses	$7,312	20
Salary, one draughtsman six months	720	00
Add cost of printing map and incidentals	67	80
	8,100	00

Of this sum there was expended out of the allotment to this Office for the fiscal year ending June 30, 1873, $4,500, and out of the allotment for the year ending June 30, 1874, $3,600. Both of these allotments are from the appropriation for surveys for military defenses.

The various reports submitted herewith are approved.

Very respectfully,

E. H. RUFFNER,
First Lieutenant Engineers.

REPORT OF THE FIRST ASSISTANT.

I have the honor to submit, in compliance with your instructions, the following report of the operations of the reconnaissance in the Ute country while under my charge.

The report proper will consist, first, of a general account of the organization of the field-party; secondly, of a general account of the instrumental work done, and the method of doing it; and, thirdly, of the physical description of the country passed over.

Appendix A is a brief discussion of the method and instruments used for keeping the topographical line, the results obtained, and the adaptability of these instruments and methods to such work.

In Appendix B you may find the reports of the geologist.

Appendix C contains a tabular statement of the distances from camp to camp, the latitudes and departures obtained, by stadier and theodolite and astronomical positions of camp and other data.

Appendix D contains copy of astronomical field-notes, with results of computations and comparison of chronometers.

Appendix E contains meteorological record-tables of altitudes, and data for profiles of several passes.

The plan of the organization of the field-party was as follows: A first civil assistant engineer in charge of the whole field-work, and who should personally do the instrumental work of the main stadia line and the astronomical work; a second civil assistant to do such work as might seem desirable; two recorders of instrumental work; one geologist, who should also, with his recorder, keep the meteorological and hypsometrical records; a geologist's recorder; a photographer, and such rodman, packers, and laborers as might be necessary. It was expected that enlisted men would do much of the work not requiring technical skill.

On the night of April 30, in obedience to your letter, I left Fort Leavenworth for Pueblo, accompanied by Recorders Samuel Anstey and Donald W. Campbell. I was followed 24 hours later by Geologist F. Hawn and Geologist Recorder L. Hawn. The whole party arrived in Pueblo in the evening of May 5, having been delayed 72 hours by a snow-blockade on the Kansas Pacific Railroad. At Pueblo I was joined by Second Civil Engineer James Bassel. We were occupied until May 7 in various preparations for the field. On the morning of May 7 we left Pueblo, beginning the line from Pueblo to Fort Garland. The longitude of Pueblo was being determined by telegraph, working in connection with Denver, and in order to determine the longitude of Fort Garland with the greatest accuracy possible to our methods, and also to obtain some test of the closeness of our work, I was instructed to run, between Pueblo and Fort Garland, two entirely independent lines over the same ground. The working party was accordingly organized as follows: First Assistant Prout and Recorder Campbell ran one instrumental line; Second Assistant Bassel and Recorder Anstey the other, and the stadia rods were carried by enlisted men from Fort Garland; these parties were on foot. The geologist and his assistant were provided with a spring-wagon. The instruments and methods used in this portion of the survey were essentially the same as those used throughout the summer, described in Appendix A. The lines were begun at the longitude post at Pueblo, and the first meridian was taken from that of the astronomical transit used in your longitude work. The true meridian was obtained at the second and fourth camps, respectively, 18.14 miles and 46.83 miles from Pueblo, and at Fort Garland by observing with a sextant the altitude of a star at the instant when the theodolite was set upon it. At first two stars were observed, one east and one west, but owing to the practical difficulties of observing with instruments of small field, defective illumination, and no finding circles, we soon came to rely altogether for meridians upon observations of Polaris, his deviation being computed from known altitude or time.

Two instrumental lines were run through from Pueblo to Fort Garland, entirely independent and without break, except that Mr. Bassel lost his azimuth on the first day out, and was obliged to correct his assumed azimuths from Mr. Prout's line at the first camp.

We reached Fort Garland on the afternoon of May 13. The line run in these seven days was 85 miles, an average of 12.14 miles a day, of careful instrumental line. The longest distance run in one day was up the Sangre de Cristo, from Badito to the summit, 13½ miles. With almost no exception the country was open, and usually the only limit to the length of sights was the capacity of the instrument. Nevertheless, it was found to make these days' work on foot involved steady, smart work, and no little fatigue. Afterward we found that in open country,

mounted, eighteen miles was not particularly hard work. Sextant observations were obtained at camps 2 and 4 for latitude by Polaris off the meridian, and for time by stars east and west of the meridian. Clouds prevented observations at other camps, except at No. 5, near the summit, where timber and mountains made observations difficult, and the very fatigue made a small obstacle great.

The latitude of Fort Garland was determined by eighteen observations of Polaris off the meridian May 14 and 15, and thirteen similar observations on July 31.

The mean of these observations was 37° 23′ 17″.33, and the range from the least single result to the greatest was 0° 01′ 25″.3, giving probable error of single result 14″.64, and of mean of twenty-five results = 02″.93.

General description of country.

Pueblo is situated on the Arkansas, a stream at this point 100 feet wide and 2 feet deep, with a strong current. On either hand is a high, broken mesa country, stretching away south and west to the foot-hills of the Sangre de Cristo range, and on the north to those of the great divide of the waters of the Platte and Arkansas, of which Pike's Peak is the easternmost peak of considerable height.

Due west from Pueblo the summit of the Greenhorn Speer is from 35 to 40 miles distant. Here it is a rugged range about 3,000 feet above the Arkansas Valley, and at this season showing much snow. It was impossible to estimate here the N. E. limit of the foot-hills. From this point to its end at Badito the range has a general trend S.S. E. and our S. W. course conveyed rapidly with the mountains, (country becomes more and more broken,) and the terrain changes accordingly from flat prairie sloping gently toward the Arkansas, to mesas cut by deep waterways, (the Mexican "arroyas,") and presenting bluffs of considerable height, and finally to rolling foot-hills. From Pueblo to the vicinity of the Saint Charles, about 10.7 miles, is a flat prairie without trees or water, with their gravelly soil supporting little vegetation, and that little being mostly small cach and sage-brush. The Saint Charles, at crossing, is about 40 feet wide, and 2 feet deep, a clear, rapid stream; the bluffs on either side are 500 to 1,500 feet apart, and 75 to 120 feet high, and between there is a fertile bottom, bearing a belt of cottonwoods, and containing a few ranches. In the vicinity of the stream on either side the surface is broken into low bluffs and hills, and continues so to Badito.

From the Saint Charles to the crossing of the Muddy, about 7.5 miles, our route skirted the eastern limit of the foot-hills of the Greenhorn, and beyond that point it may be considered as having fairly entered those foot-hills, although, in all of the distance from Saint Charles to Badito, are frequent wide spaces of flat mesa, the hills often have a thin growth of small cedars, but no timber of any value, and the soil is everywhere of little account, except in the narrow river bottom. The streams crossed between Pueblo and Badito are the Saint Charles at 10.7 miles, the Muddy at 18 miles, the Little Greenhorn at 27 miles. A stream at 29 miles, the Apache at 34 miles, and the Huerfano at Badito 46.8 miles from Pueblo. On all these streams are a few ranches in the narrow strip of bottom-land. These bottoms seem fertile. The uplands furnish a sparse growth of grass, but without extensive and systematical irrigation this region will sustain but a small population.

Badito is merely a forage station, with a store for the few Mexicans living hereabouts on the Huerfano. From Badito the ascent of the Sangre de Cristo Pass commences; this is a steady climb of 13½ miles, the last third being very steep. Our barometer not having arrived at this time, no profile was obtained of this pass, but Gunnison's profile sufficiently demonstrates its uselessness as a railroad pass. For a wagon-road between Pueblo and Garland it is the most direct pass that can be obtained, and for that reason will probably not be abandoned for the lower route by the Huerfano River, and Musca Pass northward, or the Vita Pass on the south. The best grade to be obtained, in the eastern ascent of this pass, is not less than 6 in 100 for certain distances of one-third of a mile, and it must be blocked by snow for a long season; otherwise it presents no obstacles to a good wagon-road; in fact, such a road already exists.

The ascent on the left is the same, only the mountains are of short flanking spurs, and the deep courses of small streams. On the right is the Huerfano River, cutting through the last hills of Greenhorn, and the Huerfano Park, a high, rolling valley, lying between the Greenhoru range and the Sangre de Cristo. Both of these ranges present high, well-marked crests, rising high above the out-lying hills, not at all the vague jumble seen on the maps.

The Sangre de Cristo spur puts off from the main range west of the Puncho Pass, near the head of the Arkansas, about latitude 38° 30′, and longitude 106°, runs down north and east of the San Luis Valley to the point where we crossed it, and continues southward until it is known as the Raton Mountains. I have become familiar with the aspect of this spur from its separation from the main range to the Sangre de Cristo Pass. In all that distance it is a sharp range, rising abruptly from the San Luis Valley, more gradually from the hills, skirting the Arkansas Valley, high above timber line, of singular variety and boldness. The passes which we examined will be mentioned at the proper time. The west descent from the Sangre de Cristo Pass is down the Sangre de Cristo Creek, a small, bright stream. On this (the west) side the grade is more uniformly distributed.

The road is fair; the valley of the Sangre de Cristo is one or two hundred feet wide and fairly grassed with little timber. The hills on either hand rise from 200 to 1,000 feet above the stream, and present soft rolling outlines. About four miles from Fort Garland the Ute Creek is seen to debouch from between Graybuck Mountain and Sierra Blanca, and the road, leaving the Sangre de Cristo, crosses a barren plateau to that stream which it follows to the fort.

Fort Garland.—We arrived at Fort Garland on the evening of May 13th, and were occupied until the 20th in a preliminary reduction of notes to that point, and in completing the outfit for the field. Little need be said of Fort Garland; it stands on the margin of the desolate San Luis Park, at the base of the Sangre de Cristo Mountains, a cluster of adobe buildings, comfortable and well arranged, but somewhat out of repair. The post is abundantly supplied with fine water by an acequia from the Ute Creek, and with piñon wood from the hills. Abundant grazing is found in the hills near by, and numerous ranches on the Creek; the Sangre de Cristo and the Tunchera supply it with beef, vegetables, grain, and hay. At the camp, at the summit, we were joined by the photographer, Mr. Hine.

At Fort Garland I received the barometers, two small aneroids by Cassella, and one mercurial cistern barometer. All of these instruments were defective. The aneroids were too small. The cistern barometer

was defective, in that its vernier read to hundredths of an inch, and the graduated scale had a range of only about 10½ inches, the minimum reading being 20.30 inches.

We finally left Fort Garland on the morning of the 20th May. The organization and work of the party were the same as on the route from Pueblo to Fort Garland, except that the stadia rods were carried by four civilians hired for that purpose, the post commander and commander of the company from which our escort was taken having declined to order soldiers to do this work. From this point the party was mounted on mules, and was accompanied by an escort of a sergeant and four men of Company F, Eighth Cavalry.

San Luis Park.—From Fort Garland we proceeded across the San Luis Park, north of west, about twenty-six miles to the Rio Grande, striking this stream at the point where it makes its great bend to the southward; thence our route was up the Rio Grande. From the point of striking the Rio Grande to the summer camp of a detachment of the Eighth Cavalry, "Camp Loma," two lines were run, as in coming from Pueblo, but afterward only one line was carried.

My instructions directed that a main stadia line should be run by the first assistant, and a series of side lines by the second assistant, and I attempted to carry out this plan. The first day out from Camp Loma, Mr. Bassel ran a line of about eight miles up the South Fork of the Rio Grande, and the second day he went ahead with his party, but failed to find a point at which to leave the valley of the Rio Grande. It was found that on both sides the rugged timbered slopes of the main range were well-nigh impassable in any direction, and particularly across the courses of the small tributaries; that side lines to be of any value must lead to the summit at least, and would necessitate the separation of the detachment, running them from the main party for indefinite periods—certainly, longer than one or two days; and that, moreover, our necessary ignorance of the country made it impossible to designate, with any accuracy, the points of rendevous. Another very important consideration was the grave wear upon the animals during this work. On the whole, I considered the delays likely to arise in attempting a system of auxiliary lines would not be compensated by the information gained, and it seemed wiser that one line should be run by the second assistant, aided, when necessary, by another party, and that the time of the first assistant be devoted to the general conduct of affairs, to securing careful descriptive notes of the country, and obtaining frequent topographical sketches from commanding positions.

To Recorder Campbell was given the duty of preliminary computation necessary to determine our position as we proceeded. With little exception this was the plan of our work throughout the season.

At Camp Loma wagon transportation was entirely abandoned, and from this point our transportation consisted of a train of thirteen pack-mules, packed and handled by the soldiers of the escort. Here we were joined by our escort, consisting of thirteen enlisted men of Company B, Eighth Cavalry, and, for a time, we moved in company with Major A. J. Alexander, and Company B, Eighth Cavalry. This company left us, however, at Camp 23, the last camp east of the main divide.

The instrumental work westward from Fort Garland varied in no way from what has already been described, and the computations were carried on as accurately and rapidly as possible in order to locate the 107th meridian of longitude, when we should cross it, which was done. Sextant observations were made, when practicable, for latitude, and time and azimuth were observed as before described. On arriving in Baker's

Park, the seat of the San Juan mines, now much talked of, a division of the party was made.

Recorder Campbell and Geologist F. Hawn, with two rodmen, were left in the park to make a topographical and geological survey of the mining district, while the rest of the party proceeded down the Animas River to a junction with the supposed trail of Colonel Macomb, surveying engineer, made in 1859.

Description of the country from Fort Garland to the bottom of Animas Park.—As I have said, Fort Garland is on the eastern margin of the San Luis Park. Park is a very euphemistic name for a dreary desert.

San Luis Park.—This park is an immense, nearly level, sandy plain of irregular outline, with its long axis trending from the northern end a little east of south. Its greatest length is about sixty miles, and greatest width about fifty. It is bounded on the north and east by the Sangre de Cristo Range, west by the eastern foot-hills of the main range, and southward it gradually changes into the high mesa country of the Rio Grande Valley. From all these mountains numerous small streams flow out into the desert, and quickly sink in the sand. Above the line from Fort Garland to La Loma, in the interior of the park, is a string of small ponds and marshes, which have been approximately located by our lines, and which may be the re-appearance of streams which have sunk above, and in the same way I should account for the appearance of a small, cool, pure spring, rising in the midst of the desert about eighteen miles west of Fort Garland. This spring discharges a considerable volume of water, which flows down the sides of a small grassy mound, and is absorbed again into the sand.

Along the eastern side of the park immense sand-hills are frequently seen piled high against the mountains, and lesser ones rise from the plains, southerly, from the spring mentioned. From Fort Garland westward to the river is mostly through heavy sand, thickly covered with sage-brush and small cach, with a scant growth of bunch-grass. Small herds of cattle and sheep, mostly native bred and in poor condition, pick a living from the sparse grass, getting water from the borders of the marshes or at the streams near the hills.

Rio Grande.—After reaching the Rio Grande our route lay along the left bank of the river. Here is a narrow belt of land, reaching back for an average distance of perhaps one-half mile, from the very tortuous river, which is already watered by the numerous sloughs or bayous, or easily irrigated artificially. This land seems to be very fertile, and bears fine-looking crops of cereals and grass, and there are perhaps a dozen ranches from the bend of the river to La Loma, a considerable growth of cotton-wood along the river. Beyond this belt the desolation of the park stretches to the mountains. Along here the Rio Grande is, at this season, a stream of perhaps 200 feet wide, and 2 to 4 feet deep, swift and turbid. About sixty miles from Fort Garland the river debouches from the mountains into the plains of the park.

Del Norte and La Loma.—Here, on the north side of the stream, stands the town of La Loma, and on the south side, a short distance higher up, is Del Norte. Within a year or two these towns have assumed importance as points of departure for the "San Juan mines," and are going through a small fever of real-estate and trading speculation. When I last saw them La Loma contained about twenty houses, and Del Norte perhaps fifty, mostly of adobe or logs, but there is now much wild talk of their rapid growth and great prosperity.

These towns are at the mouth of that remarkable cul-de-sac of the mountains, at the bottom of which the Rio Grande has its source. The

great Sierra Madre, the divide of the Atlantic and Pacific water for a long way holds a pretty uniform southwardly course to about latitude 38° and longitude 106° 30′. At this point it turns westward abruptly, and continues nearly due west to a point about latitude 37° 45′, and longitude 107° 28′, where it turns sharply southward, and then eastward, returning upon itself, and in latitude 37° 30′ and longitude 106° 45′ resumes its southerly course. In all this strange detour the range is definitely marked as a bold, ragged, unbroken chain, but only at its western limit, about the bottom of the loop, does it rise to its greatest heights. Here, high above timber-line, among snowy peaks, magnificent in their lines, sublime in their masses, are the fountains of the Rio Grande del Norte.

Our course up the river lay between the foot-hills, which, on either hand, slope from the summit of the main range nearly to the water. At the mouth of the cul-de-sac the foot-hills are about half a mile apart; they seem to be basaltic, present sharp crests and precipitous sides. They are from 200 to 500 feet high here, rise rapidly as they recede toward the main range, and are sparsely timbered and grassed. Only small piñons and junipers are found on the near foot-hills, and few of these, but farther back in the mountains there seems to be fair pine timber.

Rio Grande at exit from the mountains.—The foot-hills recede gradually, so that at four or five miles above Del Norte the valley is perhaps three miles wide; there they gradually close in again, until at fifteen miles above Del Norte the valley has become a varying space of from a few yards to half a mile, seldom more.

From Del Norte to Camp Loma, seventeen miles up the river, is a pretty valley. The bottom-land seems fertile and warm, and the upland generally affords good grass. Along the river is a fringe of cottonwoods, and here and there clusters of pretty well-grown yellow pines. On the foot-hills are small piñons in sufficient quantity for fuel. In this valley are several farms and stock-ranches. In all this region early and late frosts must prevent the growing of Indian corn, but the small grains can be cultivated with success, and it is an admirable grazing country. Cattle run and thrive, unsheltered and unfed, summer and winter.

Camp Loma.—Camp Loma was, when we passed up, at the end of wagon transportation. To this point the wagon-road was excellent, as, generally speaking, in all this dry country, the finest possible roads are made by traveling in one track for a little time over the gravelly surface. A road-bridge was nearly completed over the Rio Grande at Del Norte, and the ford at that place is excellent.

Camp Loma to Antelope Park.—Beyond Camp Loma, a road, as good as is to be desired, may be obtained as far as the western limits of Antelope Park, in about two or three miles from Del Norte, by bridging the river a few times. When we passed, the only crossings were by swift, rocky fords, but with a pack-train, once on the north side, recrossing was unnecessary. Since our return a company has been organized in Del Norte for the construction of a road over the route indicated, and a large part of the work was under contract when we last left Fort Garland.

Camp Loma is near the confluence of the Rio Grande and its south fork here; the foot-hills slope steep to the valley, which is from 500 to 2,500 feet wide. The foot-hills rise 300 to 1,000 feet above the river, and are generally heavily timbered with pine. In the gulches and along the valley is much very good pine timber and bunch-grass of excellent quality.

Our trail crossed the South Fork about three-quarters of a mile above Camp Loma, and the Rio Grande one mile farther. The South Fork is a stream about seventy-five feet wide, three to four feet maximum depth, and a current of four or five miles an hour. The ford is no way difficult. The main river, at the ford, is about one hundred and twenty-five feet wide, four feet greatest depth, current of four or five miles an hour, and rocky bottom, but with care the ford offers no difficulties to animals or wagons. Above this ford the trail continues along the north side of the river, and as the stream winds from side to side of the narrow valley, impinging, now against the northern foot-hills, and then against those of the south, one, to avoid crossing, must often keep on the slope high above the river. As this slope is steep and usually of rock *débris*, the trail across these points is often difficult, and sometimes dangerous for animals too heavily laden or carelessly handled. At different points several of our animals rolled from the trail into the river below, and were only saved with some difficulty and the loss of valuable property. But it seemed still more dangerous to attempt to ford the river. In this vicinity, from twenty to thirty miles from Del Norte, the valley is quite insignificant, never more than 2,000 feet wide, and seldom so much. On the north side the foot-hills rise from the river to heights of from 300 to 1,000 feet, and, beyond these, from one-half mile to a mile away, rise the mountains in sheer cliffs, columnar in appearance, rising from 50 to 500 feet to a broad terrace; from this terrace rise other cliffs to greater heights, crowned by a second terrace with cliffs above. These cliffs are apparently of reddish granite. The terraces bear some small pine. South of the valley the mountains have earth-slopes and undulating sky-lines. They are densely timbered to the summit with pine.

Wagon-Wheel Gap—About thirty miles from Del Norte the river passes through Wagon-Wheel Gap, a short narrow cañon, with just room for the river and a dangerous trail. This gap is rather a picturesque place. On the north side is a sheer cliff, perhaps four hundred feet high, of partially metamorphic sandstone serrated with green shale. On the south side the hills rise very steep for, perhaps, one thousand feet.

Above this gap the hills break away rapidly, giving a valley of an average width of about three-fourths of a mile. Just here the mountains have mostly lost the crags and cliffs seen below, and appear as gently-rounded timbered hills, with an occasional sharp peak. As its course hitherto, the river crosses and recrosses the narrow valley, washing first the northern and then the southern foot-hills. About one mile above Wagon-Wheel Gap a spur from the northern hills runs out into the valley and ends abruptly at the river in a peculiar cliff about one hundred and fifty feet high, of fused limestone and shale, the strata curving upward sharply toward the west, giving the cliff, as seen from the south, the appearance of the beak of an immense iron-clad. From this vicinity on up the river the foot-hills gradually become less marked, and the mountains rise more abruptly from the valley. On either side they are seen to be from two thousand to three thousand feet above the river; on the south they usually present slopes rounded and gradual rather than otherwise, are heavily timbered to the visible summit, and without snow. On the north side the mountains are nearly timberless, precipitous, cut by yawning chasms, and often snow-crowned at this season.

From Camp 18, about forty-two miles from Del Norte, in the hills north

of the Rio Grande, Mr. Hine and I ascended the great mountain bluff on the foot-hills of which Camp 18 was situated, at a distance of about three-quarters of a mile W. N. W. from the river and three hundred feet above it.

Bristol Head.—This mountain, to which the name of "Bristol Head" was given, has a triangular base, one axis of which lies in a nearly due north and south line. The southeast face of the mountain is of the same general appearance just ascribed to the mountains north of the river, and the southwest face is a nearly perpendicular precipice, in one place exceeding two thousand feet in perpendicular height. The summit was distant about six miles from camp, (measured on our trail,) and the ascent somewhat difficult, but the magnificent prospect well repaid us for our exertions. From the northeast, around to the southwest, stretched the Uncompahgre Range, a series of great peaks; the whole range at this season covered with unbroken snow down at least fifteen hundred feet from their summits.

The Sierra La Plata was visible, extending along the south side of the Rio Grande from its "Box" Cañon to Wagon-Wheel Gap, the nearer peaks, about 3,000 feet above the valleys, timbered to their summits and with earth-slopes and rounded lines. Farther south the "back-bone" of the range, a mass of snow-peaks; below, the Rio Grande could be seen for over 40 miles of its course. On the face by which we ascended was a bank of snow, climbed by cutting steps in its face, and the summit was covered with snow, through which we broke mid-thigh deep, encountering a pelting snow-storm as we descended. Spruce-pines and aspens were found to within 1,500 feet of the summit, the pines tall and straight above, a few stunted piñon in sheltered places. From Camp 18 to Camp 19 the trail lies around the base of "Bristol Head" to its southern apex.

Camp 18 *to* 19.—About two miles south of Camp 18 the foot-hills recede from the river, leaving a grassy bottom on the west bank, having an average width of about 1,000 feet, and extending for a distance of about two miles in a south-southwest direction, in which we found a cattle-ranch. At the southwest end of this bottom, and on the south side of the river, a stream comes in from the southeast, through a narrow, steep-sided valley, to which the name of Rainy Cañon was given, because, on all occasions, when seen, rain was falling up the cañon. Nearly opposite the mouth of Rainy Cañon is the dry cañon, through the trail to the lake fork of the Gunnison passes in a northwest direction close to the western foot of Bristol Head. At this point commences a series of smooth, rolling grassy ranges, lying between the cañon at the southwest face of Bristol Head and the Rio Grande. These ranges become gradually less steep until, after passing the divide between Clear Creek and Crooked Creek, they break down into the smooth bottom known as Antelope Park, a beautiful piece of fertile land about two and a half miles in length from the junction of Clear Creek and the Rio Grande northwestwardly, and about a mile and a half wide.

The valley of Clear Creek is about twelve miles in length, having gently sloping sides, thickly covered with bunch grass. It has an average width of about a mile and a half of land sufficiently level for cultivation. A well-worn Indian trail is found nearly the whole length of the valley.

Camp 19 *to* 20.—From Antelope Park up the Rio Grande the trail is on the north side of the river, at a height of from fifty to two hundred feet above it, on a very steep grassed slope. Near the river this slope ends in a cliff. Above the trail on the north is another cliff, of one to

two hundred feet high. The mountains to the south are about 1,800 feet above river, timbered to the summit, having rather steep but even slopes to the river. Plenty of good bunch-grass and fuel on the trail, but no water accessible.

At Camp 20 the hills open out, leaving a narrow bottom cliff on the left, rising about 200 feet above the trail, the slope from the foot of this cliff to the river being very steep, and grassed in the neighborhood of Camp 20, but, from a point about 600 yards above, covered with a dense growth of small timber for a distance of about four miles. A mile below Camp 21, the gorge of the river widens into a valley about half a mile wide, with a flat, sandy bottom, in which the river winds in a very crooked course and with a comparatively sluggish stream. About three miles above Camp 20 the trail passes along the face of a very steep and dangerous bluff of slide rock at a height of about 200 feet above the river. Here several of our mules stumbled and rolled into the river, causing the loss of a theodolite box and contents, some cooking utensils, and small articles. Above this bluff, for a distance of about five miles, the river runs in a flat, sandy bottom of from 200 to 1,000 feet in width, thickly fringed with willows.

Camp 20 *to* 21.—About five miles above Camp 20 the river is crossed by an Indian trail, the main trail of the Utes from the Los Pinos agency to the country south of the Sierra La Plata.

"*Lost trail.*"—On our return this trail was followed to the valley of Crooked Creek, down which we traveled to Antelope Park on a much better trail than that found along the Rio Grande; in fact, perfectly practicable for wagons, except for a short distance up the steep ascent to and through boggy ground on the summit between the head of Crooked Creek and the Rio Grande. The appearance of the valley and stream from the bluff above Camp 20 indicates that the whole valley was filled with water at a comparatively recent period, and the miners of the San Juan region informed us that Spanish records extant in Santa Fé describe a lake here as late as 1777.

Camp 21 *to* 22.—Camp 21 was at the upper end of this bottom, where the trail is lost in the willows and swamp, and on the edge of a small stream flowing from the northeast. On the north are cliffs about 1,000 feet high, having a crown of trap. At a point about due north of Camp 21 these cliffs trend to the southwest, and have a very unusual and remarkable appearance both in color and form. The color is a light, rather bright, greenish-blue, the color of verdigris, and of a friable, sandy substance. The cliff is about 400 to 500 feet high, distant about a mile from the river at Camp 21, and from the cliff-foot to the river is a beautifully-grassed and open-timbered slope, cut by deep ravines where the streams come down. As the cliff disintegrates by the action of the weather, isolated pinnacles are left standing boldly out, of nearly the full height of the cliff. Their singular color, contrasted with the bright green of the young aspen-leaves and the dark green of the pines, formed a beautiful picture. From Camp 21, for about four miles, the trail is good, over open ground, with good grazing and fuel for camping.

There is no bottom-land, but the valley is about half a mile wide on the left bank and all easily-sloping foot-hills. On the right bank the mountains slope to the river of the same general character as below, getting, however, more rugged as we ascend, and timbered to the visible summits. About two miles from Camp 21 the trail struck the wagon-trail made by the Little Giant Mining Company when transporting machinery the year before, and this was followed to Camp 23. The amount of wreckage strewed along the whole length of the wagon-trail followed

by us from this point was sufficient evidence of the difficulties encountered by the pioneer teamsters of this region. At the crossing of Wagon Creek, a blacksmith's forge and wagon-shop had been erected, and a bridge built over the creek. About a mile from this crossing the road enters a dense pine-forest, and the ascent is so steep that the wagons must have been hauled up by tackles hitched to the pine-trees. This ascent continues to a point about two miles from Camp 22.

Camp 21 to 22.—At this summit the timber ends, and the trail descends rapidly into the valley of the Rio Grande, striking the river between the mouth of Hine's Fork, south, and Pole Creek, north. Except a few small swamp-holes, the trail is here not difficult, but rather steep, with abundance of good grass, water, and wood. On the north the mountains rise about 2,000 feet, with earth-slopes and timber, above which are broken cliffs of about 1,000 feet, composed of a gray stratum crowned with a dark red granite. These cliffs are furrowed and worn into pinnacles and buttresses. On the right bank the mountains rise about 3,500 feet above the river, timbered to snow-line, above which are the bald peaks, snow in patches. Above Camp 22 the trail rose rapidly on the mountain-slope, the timber becoming small and scrubby and more sparse. We found many snow-patches June 7, 20 to 50 feet wide, and 2 or 3 feet deep. The mountains on both sides of the river are snow-capped summits, about one to two miles distant, and about 2,500 feet above the river.

Camp 22 to 23.—On the north are cliffs of blue and red limstone ande conglomerate, upheaved, and above these, on the crown of the mountains, are cliffs of red and gray granite.

Camp 23, just before the divide.—Camp 23 was about 600 feet above the river, on a very steep slope, near a small snow-stream; poor grass; dry wood scarce. While camped here, on Sunday, June 8, we had a snow-storm, with thunder and lightning, which lasted several hours; but the snow melted nearly as fast as it fell. Mr. Lawrence Hawn, who had ascended Mount Canby, was caught by the storm, and received several strong electric shocks. During the snow-storm an avalanche rolled down the side of one of the mountains on the opposite side of the valley, sounding louder than thunder. About 9.30 p. m. the snow ceased falling; the clouds broke into thick, dark masses, lit by the nearly full moon; the mountains loomed grandly through these masses of cloud, with their tops gleaming in the moonlight. The dense black masses of pines among and below the shining snow, the clouds, bright above and somber beneath, made a grand scene of mountain gloom and mountain glory. Major Caraher and his troop left us at this camp, returning to Antelope Park, leaving with us an escort of three non-commissioned officers and fifteen men.

On Monday, June 9, we broke camp and started to cross the divide, at 7 a. m., Messrs. Bassel and Anstey running the stadia line. The summit was at a distance of about two and one-half miles from Camp 23; the trail being for about half a mile through patches of stunted pines in boggy morass, soon worked into almost impassable mud by the passage of the pack-train, and, for the rest of the distance, over and sometimes through an almost continuous sheet of snow, in many places of great but unknown depth, generally, however, from 4 to 8 feet. The summit, where crossed, is a "knife-edge," and the view from it limited, but very grand. Around, in every direction, sharp basaltic or trap peaks, with deep gorges and slopes of rock *débris*, and, for the most part, covered with snow to far below the level of the pass. Westward, through a narrow, steep gorge, between lofty crags, is seen the range west of Baker's Park,

snow-crowned cliffs of basalt, porphyry, and trap. The highest timber seen is spruce-pine. On the summit are patches of low, dense willow, exposed in a few places where the snow has been blown away. It was a source of regret to the whole party that the illness of Mr. Hine, the photographer, prevented his taking views from this point. As the train wound around and over the rocks approaching the pass the scene was very picturesque, but when we got into the snow all thoughts of the picturesque fled before the necessities of the hour. At first the crust would generally bear up the animals, and when they broke through there was no great difficulty in extracting them. But as we rose the snow became deeper, the sun shone fiercely, and the crust thawed and became treacherous, and where an animal broke through a path had to be shoveled and trodden for it to get out, and another for any animals that were behind to get around the broken place. The summit was reached at about noon, and for the first mile beyond the work was very severe for men and animals, but no packs were lost, and no more serious accidents occurred than the casting of shoes from the animals. This first mile west from the summit was, all the way, through snow from one to five feet deep, and a trail had to be shoveled or trodden for nearly the whole distance. About three-quarters of a mile west of the summit we crossed Hamilton's Creek on the snow-crust. One mule floundered in the snow and fell with its head in the creek, and was only saved with great difficulty; another, blinded by the storm, exhausted, and totally unable to proceed, was abandoned with the hope that it would make a voluntary effort when rested, which it did, reaching our camp shortly after we left there the following morning. About a mile west of the summit we left the snow and entered pine-timber, descending very rapidly on a soft soil trail along the right side of the gulch of Hamilton Creek for about half a mile, where we made Camp 24 in large pine-timber at 8 p. m., after upward of twelve hours continued march, most of the time in the snow, the whole distance accomplished being about four miles. We were all thoroughly tired, and although the grass was only fair, and on steep slopes, it seemed unadvisable to go further in search of better. The timber was well-grown spruce-pine, too low-branched for lumber of any value; water abundant. The night was fine, but we were all too fatigued for astronomy. The pass and creek were named "Hamilton," after the man who took the first and only wagons over the mountains, bringing machinery for the Little Giant Mining Company, in the season of 1872, a labor of fifty-eight days from Del Norte to Baker's Park.

From Camp 24 down to Baker's Park.—From Camp 24 the trail was down Hamilton Creek to Stony Creek; down this to Cunningham Creek, thence down the last named to the Animas, in Baker's Park, where we made Camp 25. The trail in many places was steep and difficult, but not dangerous. The trail was mostly earth, dense willows, and cobble-stones in the creek bottom; no grass of any account till Baker's Park is reached. The view going down was very grand; on the north Mount Galena rises to a height of 3,000 feet above the valley, a mass of basalt or trap seamed with quartz; on the south rise the mountains of the main range, also 3,000 feet high, and also basaltic, with seams of ferruginous quartz. These mountains are nearly vertical cliffs, with *débris* slopes at the foot. The valley of the Cunningham is never more than four hundred feet wide, and has small growth of anything but willows. Through the mouth of Cunningham Gulch is seen the snow-covered peak called King Solomon, of the Sierra La Plata, west of Baker's Park; eastward the view is limited by the snow-peaks near

Cunningham Pass, peaks of sharp, volcanic rock. Silver, galena, and some gold are found on Mount Galena, and nearly the whole face of the mountain has been "claimed" by miners. In Baker's Park we found fair grazing and abundant wood and water. Baker's Park is a somewhat crescent-shaped valley, concave westwardly, the long axis lying nearly N. E. and S. W., and nowhere exceeding one-third of a mile in width. On the west are the Sierra La Plata mountains, on the east, above Cunningham Creek, Galena Mountains and the Uncompahgres; south of the Cunningham are the peaks of the main range. Looking northwardly, the view is ended at a distance of about two miles by the westwardly trend of the valley; southwardly, it is ended by the snow-peaks south of Hamilton Park. The mountains surrounding the Park are mostly of basalt, trap, and kindred rocks more or less metamorphosed. In these rocks are numerous veins of quartz injected in all conceivable directions. These veins are very noticeable on the face of King Solomon Mountain, opposite the mouth of Cunningham. On this mountain a vein of quartz is seen sloping from crown to base, at an angle of about 60° with the horizon, and crossing this, in all directions, are smaller veins, the whole presenting an appearance so remarkable that the attention of the most negligent traveller down the Cunningham Valley is arrested by it. The day after our arrival at Baker's Park a line was run by Mr. Bassel up the valley of the Animas as far as Eureka Cañon, and subsequently continued up the Eureka Cañon by Mr. Campbell, and by prismatic compass up the valley of the Animas, across to the headwaters of the lake fork of the Grand River by myself. An account of the country there seen will be given further on.

The Little Giant Company informed me that ore had been assayed yielding from $100 to $27,000 per ton, averaging $500. They were engaged in erecting a Dodge's crusher and amalgamator, which were set to work the day we left the valley on our return. The mine is situated in a gulch, on the left bank of the Animas, between Baker and Hamilton Parks, and the drive, about 6 feet wide and 15 or 16 feet high, divided into two stages, had reached a depth of 60 feet in the side of the cliff. Some silver-ore had been taken out, and some fears were entertained that the lead might run into silver. The lead is a quartz-vein in trap or basalt, said to be 30 inches thick, and crossed by several smaller veins much like those described in the face of King Solomon.

The valley of the Animas, between Baker and Hamilton Parks, is entirely without bottom-land, the only spaces found being here and there a "berm" between the foot of the mountains and the bluff overhanging the creek. From Camp 25 a miner's trail is found on both sides of the river; that on the left bank leading to the Little Giant Company's mining camp, below which it crosses the river, joining that on the right bank. We took the trail on the right bank, as the ford above Cunningham's was reported the best. The trail between these parks was good and, for the country, easy; the divide between the two parks being a little above the Little Giant Gulch.

Our Camp 26 was on Cement Creek, near its junction with the Animas, in Hamilton Park, and I here divided the party, leaving Mr. Campbell, Professor Hawn, two rodmen, and a miner guide to make a thorough topographical and geological survey of the valley of the Upper Animas. The report of Professor Hawn will be found at the proper place in the geological report, and Mr. Campbell's report is here inserted.

Mineral Creek.—At this season Mineral Creek is a stream, the size of which varies greatly at different hours of the day. At minimum it is

about fifty feet wide, two feet deep, and with a current of about eight or ten miles an hour. After the sun has caused the snow to melt (at about 2 or 3 p. m.) it is at its maximum, and is dangerous to ford at the most favorable fording-places, being up to the girths of a medium-sized mule, and perhaps seventy or eighty feet wide, with a very swift current. For about half a mile above its junction with the Animas its course is close to the foot-hills on the south side of Hamilton Park, above this its course is through a valley, nowhere more than a quarter of a mile wide, of steep, rounded foot-hills, having no flat bottom-land whatever for a distance of about three-quarters of a mile from Hamilton Park, but flowing between banks 50 to 100 feet high. Thence to the forks there is a narrow strip of very strong black soil bottom-land, in many places, deep-bog, and mostly covered with a dense growth of willows, through which it is very difficult to force a path. On the left bank the mountains as seen from the valley are precipitous, weather-worn cliffs of different formations, with slopes of *débris* extending to the river, a more minute account of which will be given by Professor Hawn. The first mountain on this side, leaving the park, appeared to be granite, then, for a distance of a mile, trap and porphyry, beyond this, to about half a mile below the fork of the river, the appearance was unusual, a rich red, almost crimson-colored, quartzose, similar to the diamond-bearing strata of Central India. On the left bank the mountains were of a softer outline, sparsely timbered to their visible summits, which were generally from 1,000 to 1,500 feet above our trail. Our camp, No. 1, was situated about 1,000 feet above the forking of the river, and about half a mile below the bluff which split the valley. From Hamilton Park to this point we found a faint miners' trail, but above here the trail gave out. The north fork of Mineral Creek lies in the same general direction as the main river below the junction, and this was the one first examined. Almost immediately on leaving camp we entered dense and very heavy pine-timber, much larger than any yet seen by the expedition; many trees had fallen, and their trunks lying in all directions over the boggy ground made progress slow and fatiguing. One tree was estimated by me to have a diameter of 38 or 40 inches, about a foot above the surface of the ground, and this was the largest that was seen. The timber ended at a point about a mile above the fork, and, while in it, little or nothing could be seen. On emerging we found ourselves on a very steep mountain-side, and at a height of about 300 feet above the river, which flowed through a V-shaped cañon, formed by slides from each side. About two miles above this the valley opened out into a small bleak-looking park, in which were a few clumps of stunted pines. This park, which I named Iceland, was about one-third of a mile wide and about half a mile long, of low, rolling divides between the numerous small streams that flowed from the mountains on the north side. As the day was far advanced, and we had a rough journey back to camp, I went no farther up this branch. Between the timber and Iceland Park the valley was very narrow, the creek a mass of foam at the bottom of the slide below our trail, the visible summits of the adjacent hills being about 1,000 feet above our trail on the south side, and about 800 on the north side. Immediately above the timber, on the north side, were high, precipitous cliffs, and it is to the shelter afforded by these that I attribute the thrifty growth of vegetation at this spot. The following day we ascended the south fork. The general appearance of the country was totally unlike that found on the north fork, or, indeed, of any of the streams flowing into the Animas which we have examined. From the

fork the mountains rise very suddenly on either hand, leaving a comparatively wide, swampy bottom. This bottom will average 500 feet in width for about three miles to the triangular valley lying between the feet of Red Mountain, Mount Flatface, and the mountain on the right bank of the creek, and the tributary which here falls into it. This valley measures about 2,000 feet on each side of the triangle, with a nearly level water-worn pebble and small bowlder bottom, on which there is an open growth of willows in patches, the main stream running close to the foot of Red Mountain under a high precipice of beautifully colored and stratified red sandstone. The sheer face of the precipice was estimated to be about 800 feet, and it had a slope of *débris* about 300 feet height to the stream. The west side of the valley was bounded by the slope at the foot of the enormous precipice to which the name of Flatface was given. The slope appeared to be at an angle of about 40°, with the horizon rising to a height of about 800 feet, where it meets the precipice, which, at a moderate estimate, is at least 1,500 feet in height. A tributary 25 feet wide by about 15 inches deep flows from the northwest apex of the triangle along the foot of the slope to Flatface. The mountain on the third side of the valley is steep and rocky, but not precipitous. The slope at the foot of Red Mountain is nearly bare, while the slope of Flatface is covered by a thick growth of gigantic pines. The river plows through a V-shaped cañon, between Flatface and Red Mountain, and our trail was through the timber about 600 yards on the slope of Flatface. Above we found a very steep-sided V-shaped valley, the visible summits of the mountains on the east or right bank being about 2,000 feet above the river, bare and rocky, but sloped to the stream; on the left or west bank the slope was about two in one—so steep that with difficulty our mules kept their footing; this slope was covered with bold precipices, commencing at Flatface, and gradually becoming less and less high as the valley rose, averaging 600 or 700 feet, their visible summits being about 1,400 or 1,500 feet above the river. At the upper end of this valley the river ran under an almost continual bridge of snow, and snow was seen in patches at the level of our trail on the opposite side. At a distance of about two miles above the triangular valley described the whole scene was duplicated on a somewhat smaller scale and bleaker aspect, minus the timber and the precipices of Red Mountain. The mountain which here blocked the valley, and which we named Bareface, had the same general appearance as Flatface, plus some extra snow, and the stream was here forked, but owing to the steepness of the trail, and the obstructions caused by the melting snow, we turned back after taking the bearings of the streams. In this valley the river has formed for itself a very regular bed of bowlders, built into the shape of a V, about 50 feet deep, and in perfectly straight reaches. The following morning camp was struck, and the party returned to Camp 26, main line, from which Cement Creek was ascended.

Cement Creek.—The entrance to the valley of Cement Creek from Hamilton Park was about 300 yards north of Camp 26, and is very narrow; the hills on the left bank being low, the trail leads over their face at a distance of from 300 to 400 feet from the river, which is here about fifty feet wide and two deep, very swift; the water of a peculiar light-brown or dirty-white tint, owing to its holding in solution a mineral salt, which has the property of firmly cementing together all the pebbles in its bed, which characteristic makes it a dangerous stream to ford when it passes over bed-rock, as it fills all the interstices, making the bottom of the stream perfectly smooth, thus affording no footing to enable animals to withstand

the swift current. The general appearance of the valley in its lower course is that of most of these mountain-streams, the mountain slopes being rather softer and more thickly overgrown with spruce, pine, and aspen, than usual in this region. The mountain-slopes come down to the stream, having slides from 20 to 400 feet high where the stream washed against them, and small, narrow, swampy bottoms, sometimes grassed, sometimes covered with willows, and often with spruce-pine.

The sky-line on the side opposite the trail is generally seen at a height of from 1,200 to 1,500 feet, the snow-range being seen occasionally up the valleys of the tributaries at a distance of from half a mile to two miles. About two miles from the park there is a break in the mountains on the right bank, forming a broken, irregular, steep valley, down which come several torrents, on one of which is a fine cascade. In this valley and neighborhood are many mining claims, and thus far there is a faint trail, but beyond we have to make our own. Long sights were generally obtained, but progress was slow, as traveling was very difficult over the fallen timber on the slopes and in the marshy bottom. Our Camp No. 2 was at a point five miles above Camp 26, main line, where the timber becomes more scant, extending continuously but a short distance up the slope over the stream. About a mile down this camp on the right bank is Matilda Creek, a small brook on which is the mine of that name, said to be valuable. About three-fourths of a mile beyond this, the stream forked, the main body of water coming from the west fork, up which our line was taken. Both forks rise rapidly, and were crossed by numerous snow-bridges June 19. Above the forks the timber is confined to sheltered places, and on the west fork there is very little. A mile above the fork, the snow-swamps were so deep and traveling so difficult the line was stopped, bearings being taken to a mountain which headed the valley, about half a mile beyond.

We returned to Camp 26 on June 20, and started line toward Bowlder Creek, the trail up which was found to be too rough for ascent by mules, and it not being of any length, the ascent was deferred. The line was then carried across the Animas just below the mouth of Little Giant Creek, where the river at the bottom of a cañon 100 feet deep was about 100 feet wide, up to the girths of the mules. This line was run to the settlement of the Little Giant Company, (to be seen from our main trail,) and subsequently up the mountain to nearly its source. Little Giant Gulch may be described as a huge land-slide or bite out of the mountain, down the center of which the creek has worn itself a deep box-cañon. Little Giant Creek, a branch, up which the line was run to snow, in no way differs from any of the numerous torrents in the neighborhood.

EUREKA GULCH.

The line up this gulch was started from the extremity of the line previously run up the main valley by Mr. Bassel. The entrance into this gulch is very peculiar. Through a densely-timbered cleft in the mountain a large stream issues from a deep cañon, the end of which is turned to the main valley. The wall on the left bank of the creek is surrounded by a very steep, rocky slope; that on the right bank by a less steep and densely timbered slope of earth and *débris*. A point at the mouth of the cañon on this side is about 280 feet above the river. From this point a surprising and charming view is obtained; from a point in the gorge about 200 feet away and 30 feet lower level the creek plunges in three leaps into a pool 150 feet straight below the

spectator, and thence in a series of minor cascades to nearly the level of the Animas, issuing from the cleft about 100 yards below, a broad, sprawling, rather slow stream of a totally different appearance. From the foot of the slope leading into the valley from that of the Animas for a distance of half a mile, the trail is in dense timber and rises rapidly, being at this point about 500 feet above the Animas River at junction.

Here the general appearance of the valley is a deep **V**, the visible sky-lines being about 800 to 1,000 feet above the river; on the right bank the slope is continuous from the river to sky-line; on the left bank the slope is surmounted by cliffs of about 400 feet where we leave timber, but becoming less high as the valley is ascended. It in no wise differs in general appearance from the upper part of Cement Creek or of any of the higher mountain valleys. The line was run for about three miles above its junction with the Animas, where the mountain side was so steep and difficult to travel over the slide rock that it was deemed inadvisable to proceed farther.

An attempt was made to ascend Maggie's Gulch, but was abandoned, as the stream was swollen with melting snow, and the only practicable trail is along the creek-bottom, sometimes up the middle of the stream.

The line was carried to a point about half a mile from its junction with the Animas, from whence bearings were taken, and the distances estimated as far as could be seen up the nearly straight lower reach. The mountain sides on either hand, for a distance of about a mile, are steep stone slides of from 400 to 600 feet, impassible along their face for man or animal.

E. W. CAMPBELL,
Recorder.

Camp 26, down the Animas.—About a mile and three-quarters below Camp 26 the trail leaves the Hamilton Park and enters the cañon of the Animas. The trail at once ascends directly up the face of the hill on the right bank to about 200 feet above the river valley, then turns southerly along the face of the mountain, and rises rapidly, Camp 27 being 1,030 feet above Camp 26, and distant three miles from it. For 1,000 feet the trail skirts the face of the precipice, and is very dangerous, being narrow, crooked, and steep. A heavily-packed mule might easily roll down 300 feet on the sharp rocks below; we passed without accident. After this precipice is passed the trail passes into small spruce-pine, and on to mossy, vegetable-soil-covered rocks, and is no longer dangerous, but steep. Many snow-banks lie in the pines, but are avoidable or not deep; water and wood plentiful, but grass poor. A short distance below Camp 27 I went down the cañon of a small creek until the Animas River was seen, at a distance of about one-third of a mile and 500 feet below. A small aneroid barometer carried indicated the same height at Camp 27 at the crossing of the trail and this creek, and a descent of 945 feet from the crossing to the point where I saw the Animas, at an estimated depth of 500 feet below me, thus making Camp 27 to be at an elevation of about 1,445 feet above the river. The cañon of the Animas, at the mouth of this creek, is not less than 3,500 feet deep on the east and 1,445 feet on the west side, and consists of ledges of trap or basaltic rocks covered with a thin, small growth of spruce-pines. It is impassable for pack or saddle animals.

The cañon of the creek down which I went is about 500 feet deep on the north side, 200 feet of which is a sheer cliff of ragged syenitic granite, crowned by a steep slope bearing a few pines. The south side is much the same, the cliff being of less height. Through this cañon the water rushes in an uninterrupted succession of cascades, so that it is but a stream of white foam. At the point where I read the barometer it was 150 feet below me.

Our guide was of opinion that the mountains immediately east of the Animas, at this point, were a spur from the main range, and that east of this spur a stream rises, which empties into the Animas below. West of Camp 27 is a sharp peak with a crown, the summit distant about one mile. South of Camp 27 is a divide between the waters flowing east and those flowing south. About two miles from Camp 27 we passed a small lake frozen completely over, (June 15,) and a mile and a half beyond this another one on the divide.

Fountain and Diana Creeks.—Thence the trail followed the valley of Fountain Creek to Camp 28. The trail from Camp 27 to Camp 28 was through small spruce-pine, with open, swampy glades grown with scrub-willows. These glades are soft, but not so much so as to be troublesome if care be used.

No camping-ground from Camp 27 to a point about one mile above 28; thence abandoned of wood, water, and good grass. The trail from Camp 28 is through three and a half miles of heavy spruce and pine timber to Camp 29, on a small stream and pond about two miles from the base of Engineer Mountain, and northeast therefrom. Trail steep and marshy in places, but not dangerous. No grass from 28 to 29, but wood, water, and fair grass at 29.

Ascent of Engineer Mountain.—From Camp 29 I made an ascent of Engineer Mountain, leaving camp at 1 p. m. Ascent rapid until I had attained a height of 1,000 feet, where I found large timber full of solid snow, 4 or 5 feet deep. Walked on this snow for three-quarters of a mile, (leaving the timber at a height of about 1,350 feet above camp,) rising about 600 feet to the crest of a limestone ledge, having a vertical wall of 150 feet at highest point. The stratum, dipping rapidly to the southwest, is covered with soil bearing the stunted willows found on Hamilton Pass, and a few stunted pines. Much soft snow on this plateau, on gaining which the peak of Engineer Mountain suddenly appears before me, south 65 west, distant one mile and three-quarters, and about 1,000 feet above me. This peak is a long, narrow crest, and I saw it first precisely in the line of its long axis. Seen thus, it presents a conical base of earth and *débris* of about 200 feet height; above this a vertical cliff of gray red sandstone, 200 feet; a cliff of dark red slate, about 10 feet; a cliff of from 50 to 200 feet of a light gray rock, and above this a sharp cone of the same color, 600 to 800 feet high, crowned with snow. Although it was then 3 p. m., I determined to ascend this peak, and made my way to the base, sinking mid-thigh deep in the soft snow every third step. The slope of the northeast end was comparatively easy, (that is, as steep as loose rock and soil will lie,) and I ascended that. At the top of this slope I found a stratum of grayish red sandstone, and above this a stratum ten feet thick of dark red slate, on which was the crowning stratum of light gray. These strata slope rapidly down north 65 west, in the direction of the trend of the crest, so that at the northwest end of the crest, for about three-quarters of a mile, only the upper stratum of light gray rock is exposed. I mounted above the slate with no other difficulty than fatigue, but above this was my work. I found the peak to be shaped like a saw-tooth, the laminæ of the crowning stratum vertical, and the northern face a sheer cliff of about 1,000 feet, absolutely vertical; the south face also a sheer cliff of about 500 feet, crowned with a slope of *débris* as steep as *débris*

can stand, the faces meeting in an edge of not more than ten feet in its greatest width, oftener of no perceptible width. From both faces occasional vertical laminæ stand out at right angles with the long axis of the crest, forming wings and buttresses surrounded by sharp spires.

The only possible ascent is up the edge, which slopes rapidly at both ends of the peak down to the top of the slate. The feelings of a solitary man toiling on hands and knees up this edge are not cheerful. A huge stone suddenly gives way, falls over the north face, and after a painful interval, during which the climber, with bleeding finger-tips, struggles for a few minutes' more life, is heard crushing among the rocks, and directly afterward is seen spinning far out on the plateau below across the snow, throwing it high in the air; or a loose rock yields on the south side, thunders down the slope and leaps over the precipice, followed for minutes by an avalanche of *débris*. How grateful I was for the occasional snow-banks piled against the southern face, which gave now and again an opportunity to stretch myself at full length and breathe. I reached the summit at 4.30 p. m., and was rewarded by the grandest mountain view I had ever seen. In every direction, except down the valley of the Animas to the south, were seen masses of snow-peaks rising a thousand and two thousand feet above timber, with sky-lines marvelously bold and wild. These peaks were seen at distances of ten to thirty miles around. I doubt if any other mountain region in the world displays so extensive a mass of such increasing variety of form and so wholly grand. The peaks are of all conceivable forms, except such as have curved lines, all snow-crowned, furrowed by deep gorges, marked by the low-reaching streaks of snow, and flanked with spires and pinnacles. Below the timber the lines become soft, and the masses of dark pines are relieved by the white threads of foaming mountain-torrents.

Down the valley of the Lower Animas appeared open glades beautifully green, dotted with small pools, and aspens just in the tender green of early spring. This was the first spring foliage I had seen that season, and was refreshing after weeks of snow and pines. I could trace the course of Fountain, Diana, and Cascade Creeks from their sources to their mouths, with many of their branches. West of Cascade Creek and north of Diana Creek appeared the head-waters of two other streams, a fork of Mineral Creek north, and an unknown creek west.

End of ascent of Engineer Mountain.—From the readings of a pocket barometer the height of this peak was found to be 3,335 feet above Camp 29, or about 13,270 feet above the sea.

About a mile southwest of Camp 29, the trail passes the summit of a low divide, on to a southern slope, and almost immediately we passed from winter to advanced spring, descending rapidly in an exquisite valley of a small tributary of Cascade Creek.

Cascade Creek.—On either side the slopes of the hills were covered by aspens in the tender green of spring, and the open glades were bright with grass and wild flowers in bloom, among which were purple and white violets, strawberries, larkspur, buttercups, *fleur de lis*, and many delicate flowers unknown to me. For most of us this was the first glimpse of spring, having come into the high country of the Upper Rio Grande while it was still brown from the autumn and winter, and passed quickly up among the rocks, snow, and pines, and after weeks of grand desolation we passed in an hour into this most lovely valley of bloom and verdure.

Camp 30 was situated on the left bank of Cascade Creek, where our trail crossed that stream, a roaring mountain-torrent about 4 feet deep

at its maximum, which occurs between 8 and 10 p. m. About a quarter of a mile below the camp the stream enters a cañon 150 feet deep, having vertical limestone walls just far enough apart to allow the water to pass.

This "Box" Cañon is about half a mile long and very crooked, the creek wearing smooth rounded hollows under the cliff, as it passes from side to side. Considerable difficulty was experienced in fording this stream, which was done at 10 a. m., when the water was lowest. The animals were crossed singly, with lariats attached, and the more valuable packages were carried by hand over a log bridge. From Camp 30 to Camp 31 the trail was in a beautiful valley all the way, but little timber on the trail, a few soft places presenting no great difficulty to pack-trains.

From Camp 31 to 32 the trail was plain and easy. On the right, close to the trail, were limestone bluffs 200 to 300 feet high, being the eastern edge of a mesa or steppe which was overlooked by another similar bluff. The trail is on another mesa, sloping gently toward the east and ending at a low pine-covered limestone ridge, which separates the mesa from one below it of a similar shape, terminating at a ridge of extremely hard crystalline rock. At the foot of the mesa on which the trail runs, and close to the limestone ridge, are many small lakes. Near Camp 32 this mesa is about one mile wide and gradually narrows, finally disappearing at the head of the park. Trail descended abruptly into the Animas bottom, which at Camp 32 is about one mile wide, one-quarter on the west and three-quarters on the east of the river, which here comes out of its cañon, at this point only a low, rocky gorge through a throat of quartzite, which is about 30 feet above the water, 500 feet long and only from 15 to 30 feet wide, through which the water rushes with great depth and velocity. We descended on the march from Camp 31 to 32 over 2,000 feet, passing from spring to midsummer. I never had a more delightful morning ride. Birds sang in the trees, and flowers blossomed everywhere in the green glades and thickets.

A short distance from Camp 31 we came to cottonwoods and large willows, and shrubs of oak, maple, cherry, service-berry, and some unknown varieties. The oaks gradually came to be about 25 feet high, none greater, and, about three miles above Camp 31 we struck yellow pine of grand size and first-rate quality. There is much of this large yellow pine, not in forests but scattered over the mesa. We constantly passed thickets of roses in full bloom, and also found in flower cherry, service-berry, elder, flax, daisies, plums, sunflowers, coreopsis, the common male fern, cacti, and many others. Evidently the whole region, from two miles north of Cascade Creek to the head of the Animas Park, is fertile and warm enough for valuable agriculture. Grass is everywhere luxuriant.

Animas Park.—From Camp 32 to Camp 33 the trail is all the way in the Animas Park. The Animas Park is about 13 miles in length by an average width of a mile and a half, the greater portion on the western side of the river, and having its axis in a south-southwest and north-northeast direction, ending at its southern extremity in a sort of pouch, called by Mexicans the Rincon. The mountains at mouth of Upper Cañon, where the river debouches, have sunk to foot-hills of 1,000 to 1,500 feet above the valley, sparsly timbered to summit. On the east of the peak the range continues all the way to the "old Spanish trail" at a height of about 2,000 feet above the valley, exposing the strata of a brilliant red sandstone in many places.

About the middle of the valley these strata are exposed from base to summit for a mile or more and are very beautiful. They slope to the

can stand, the faces meeting in an edge of not more than ten feet in its greatest width, oftener of no perceptible width. From both faces occasional vertical laminæ stand out at right angles with the long axis of the crest, forming wings and buttresses surrounded by sharp spires.

The only possible ascent is up the edge, which slopes rapidly at both ends of the peak down to the top of the slate. The feelings of a solitary man toiling on hands and knees up this edge are not cheerful. A huge stone suddenly gives way, falls over the north face, and after a painful interval, during which the climber, with bleeding finger-tips, struggles for a few minutes' more life, is heard crushing among the rocks, and directly afterward is seen spinning far out on the plateau below across the snow, throwing it high in the air; or a loose rock yields on the south side, thunders down the slope and leaps over the precipice, followed for minutes by an avalanche of *débris*. How grateful I was for the occasional snow-banks piled against the southern face, which gave now and again an opportunity to stretch myself at full length and breathe. I reached the summit at 4.30 p. m., and was rewarded by the grandest mountain view I had ever seen. In every direction, except down the valley of the Animas to the south, were seen masses of snow-peaks rising a thousand and two thousand feet above timber, with sky-lines marvelously bold and wild. These peaks were seen at distances of ten to thirty miles around. I doubt if any other mountain region in the world displays so extensive a mass of such increasing variety of form and so wholly grand. The peaks are of all conceivable forms, except such as have curved lines, all snow-crowned, furrowed by deep gorges, marked by the low-reaching streaks of snow, and flanked with spires and pinnacles. Below the timber the lines become soft, and the masses of dark pines are relieved by the white threads of foaming mountain-torrents.

Down the valley of the Lower Animas appeared open glades beautifully green, dotted with small pools, and aspens just in the tender green of early spring. This was the first spring foliage I had seen that season, and was refreshing after weeks of snow and pines. I could trace the course of Fountain, Diana, and Cascade Creeks from their sources to their mouths, with many of their branches. West of Cascade Creek and north of Diana Creek appeared the head-waters of two other streams, a fork of Mineral Creek north, and an unknown creek west.

End of ascent of Engineer Mountain.—From the readings of a pocket barometer the height of this peak was found to be 3,335 feet above Camp 29, or about 13,270 feet above the sea.

About a mile southwest of Camp 29, the trail passes the summit of a low divide, on to a southern slope, and almost immediately we passed from winter to advanced spring, descending rapidly in an exquisite valley of a small tributary of Cascade Creek.

Cascade Creek.—On either side the slopes of the hills were covered by aspens in the tender green of spring, and the open glades were bright with grass and wild flowers in bloom, among which were purple and white violets, strawberries, larkspur, buttercups, *fleur de lis*, and many delicate flowers unknown to me. For most of us this was the first glimpse of spring, having come into the high country of the Upper Rio Grande while it was still brown from the autumn and winter, and passed quickly up among the rocks, snow, and pines, and after weeks of grand desolation we passed in an hour into this most lovely valley of bloom and verdure.

Camp 30 was situated on the left bank of Cascade Creek, where our trail crossed that stream, a roaring mountain-torrent about 4 feet deep

at its maximum, which occurs between 8 and 10 p. m. About a quarter of a mile below the camp the stream enters a cañon 150 feet deep, having vertical limestone walls just far enough apart to allow the water to pass.

This "Box" Cañon is about half a mile long and very crooked, the creek wearing smooth rounded hollows under the cliff, as it passes from side to side. Considerable difficulty was experienced in fording this stream, which was done at 10 a. m., when the water was lowest. The animals were crossed singly, with lariats attached, and the more valuable packages were carried by hand over a log bridge. From Camp 30 to Camp 31 the trail was in a beautiful valley all the way, but little timber on the trail, a few soft places presenting no great difficulty to pack-trains.

From Camp 31 to 32 the trail was plain and easy. On the right, close to the trail, were limestone bluffs 200 to 300 feet high, being the eastern edge of a mesa or steppe which was overlooked by another similar bluff. The trail is on another mesa, sloping gently toward the east and ending at a low pine-covered limestone ridge, which separates the mesa from one below it of a similar shape, terminating at a ridge of extremely hard crystalline rock. At the foot of the mesa on which the trail runs, and close to the limestone ridge, are many small lakes. Near Camp 32 this mesa is about one mile wide and gradually narrows, finally disappearing at the head of the park. Trail descended abruptly into the Animas bottom, which at Camp 32 is about one mile wide, one-quarter on the west and three-quarters on the east of the river, which here comes out of its cañon, at this point only a low, rocky gorge through a throat of quartzite, which is about 30 feet above the water, 500 feet long and only from 15 to 30 feet wide, through which the water rushes with great depth and velocity. We descended on the march from Camp 31 to 32 over 2,000 feet, passing from spring to midsummer. I never had a more delightful morning ride. Birds sang in the trees, and flowers blossomed everywhere in the green glades and thickets.

A short distance from Camp 31 we came to cottonwoods and large willows, and shrubs of oak, maple, cherry, service-berry, and some unknown varieties. The oaks gradually came to be about 25 feet high, none greater, and, about three miles above Camp 31 we struck yellow pine of grand size and first-rate quality. There is much of this large yellow pine, not in forests but scattered over the mesa. We constantly passed thickets of roses in full bloom, and also found in flower cherry, service-berry, elder, flax, daisies, plums, sunflowers, coreopsis, the common male fern, cacti, and many others. Evidently the whole region, from two miles north of Cascade Creek to the head of the Animas Park, is fertile and warm enough for valuable agriculture. Grass is everywhere luxuriant.

Animas Park.—From Camp 32 to Camp 33 the trail is all the way in the Animas Park. The Animas Park is about 13 miles in length by an average width of a mile and a half, the greater portion on the western side of the river, and having its axis in a south-southwest and north-northeast direction, ending at its southern extremity in a sort of pouch, called by Mexicans the Rincon. The mountains at mouth of Upper Cañon, where the river debouches, have sunk to foot-hills of 1,000 to 1,500 feet above the valley, sparsly timbered to summit. On the east of the peak the range continues all the way to the "old Spanish trail" at a height of about 2,000 feet above the valley, exposing the strata of a brilliant red sandstone in many places.

About the middle of the valley these strata are exposed from base to summit for a mile or more and are very beautiful. They slope to the

south at an angle with the horizon of about 20°, are perfectly parallel, and from 20 to 50 feet from stratum to stratum. Each stratum is a sheer cliff, somewhat columnar for three-quarters of its height, with horizontal laminæ across the tops of the columns, looking like exquisite architecture. On the top of each stratum is a narrow terrace covered with verdure; back of this another cliff rises, and so on to the summit. The colors are vivid red and green, and the whole as symmetrical as the work of the most careful architect.

Toward the south end of the park, the red sandstone has dipped below the soil and covered with a gray sandstone. These eastern mountains are of a singular shape, having rectangular lines, and slopes like the frustra of pyramids. South of the "old Spanish trail" the eastern hills have conical curves on the face, while the summit is one line sloping toward the south, at an angle of about 10° with the horizon. Their face is thinly timbered with quaking-aspen. The western boundary of the park is a high range of sandstone cliffs, 1,500 to 2,000 feet above the valley, dipping toward the south, and is a counterpart of the eastern range, except that the red sandstone is not so well exposed. The limestone cliffs seen on the right, before reaching the park, disappears shortly below Camp 32, about a mile, running out above the sandstone. The gorge of the Animas above the head of the park is through a stratum of feldspathic granite, in which occur remarkably large crystals of feldspar. This extends along the river as far as we could trace it. The bottom looks fertile and is well watered, even swampy in places. In the northern end is much fine yellow pine, particularly on the east bank about the ruins of the Animas City. These yellow pines are scattered all down the park. Along the streams are some small cottonwoods and sweet gum, and many rose and service bushes. On the dry ridge we found low, white sage, grease-wood, and cacti, the latter in bloom with brilliant pink, crimson, and purple and yellow blossoms. About half way down the valley a small stream flows down over the sandstone cliff, making a pretty cascade of 20 feet or thereabouts, falling in threads and rivulets.

It then flows down toward the river through a thicket of willows, gums, and roses. The Rincon is a slight enlargement of the park about three miles wide.

In the east it is closed in by the range described south of the old Spanish trail, in the south by a range of about 2,000 feet above the river, of rounded outlines timbered to summit, probably sandstone.

Mountains at south end of Animas Park.—This range continues on the south and west of Animas, as far as seen. This range breaks down at a creek by which the South La Plata trail passes out; between this pass and the North La Plata trail, over sharp mountains of sandstone and shale, about 1,000 to 2,000 feet high. These probably extend back to the La Plata Mountains.

The park is fertile, level, and well watered with several small streams. There is little timber—cottonwood and large yellow pines in the bottom, and spruce-pines on the mountain slopes. The Rincon is more rolling, low sandy hills, with much sage and cacti and little grass.

Camp 33 is on a small creek called Junction Creek, because of the junction with various trails.

Trails entering Animas Park.—Four great trails center in the Rincon: the old Spanish, from Pagosa, coming in northeast down a gulch crossing the Animas three-fourths of a mile above Camp 33; the lower trail, from Pagosa, coming up the Animas; the Lower La Plata trail, passing out through the gulch of a small stream; and Upper La Plata trail,

passing out up Junction Creek for two and a half miles, then turning to the left over the hills, said to be ten or twelve miles to the La Plata. Lower La Plata and the old Spanish trails most used now. La Plata Mountains are seen through a gorge of Junction Creek. Animas passes down a valley of a quarter of a mile wide, so far as seen, in a southeasterly course. The La Plata Mountains, as seen from here through the gorge of Junction Creek, are rugged, timberless, snowy peaks.

Mineral springs.—In the top of Animas Park, near Camp 32, are several mineral springs of remarkably pleasant taste. Evidently they contain carbonic acid, and perhaps some salt of soda, and certainly sulphur. The odor of sulphur was strong, and flour of sulphur was seen in small quantities about them. The deposit is extensive and of a dirty yellowish-white. Many old mounds are seen of now extinct springs. Upon our return to Baker's Park I found that a reported Indian outbreak on the Cucharas had caused an order to be issued for the immediate return of the escort.

Origin and beginning of Prout's scout to Lake Fork of Gunnison.—As this threatened to prevent our making any examination of the Lake Fork of the Gunnison, I determined to make an effort at this examination by a rapid reconnaissance from Baker's Park over the divide to the head of the Lake Fork and down it, overtaking the party on the Rio Grande. Accordingly I turned the party over to Mr. Bassel, with instructions to complete the survey of Baker's Park, to give Mr. Hine time and facilities for photography, and to try to camp in Antelope Park by the night of the 28th instant, and await me there. Procured rations of Mr. Hamilton, took Frank Sager and Jack Monroe and one pack-mule and started at 10 a. m. up the Animas. Began topographical sketch at Eureka Gulch, rose rapidly between mountains of which the visible crests were 1,500 to 2,000 feet above the river. Now and then a high peak could be seen. Many small streams fall over the cliffs on either side in beautiful cascades; the cliffs seemed to be of trap and basalt, exceedingly wild and rugged. The mountains soon open out and give a valley, narrow and with a few spruce-trees; up to this point the trail is very bad with slide rock, but from here to the summit it passes on grassy slopes. In many places the river was still hedged with snow and the land wore the appearance of early spring. Made a noon-camp at the forks of the Animas. Here the trail turns abruptly to the right, and rises very rapidly on a grassy mountain-side, up to the East Fork. The Animas below the forks is about 15 feet wide, 1 to 3 feet deep, rocky and very rapid. The East Fork is 4 or 5 feet wide and carries little water. The western and middle one larger, the western being the largest. These forks all head in snowy mountains, in fair-looking passes, against corresponding tributaries of the Uncompahgre and Grand. The pass of the East Fork from the Animas side is extremely steep but hard and grassy to the top. Little snow on this slope. At the summit on either side are immense peaks of ferruginous quartz, trap, porphyry (red and green) and granite, so mingled that it was impossible to arrive at any general law for the distribution of these rocks.

Pass to the Lake Fork.—The mountains northwest of the pass in which the middle fork heads are the Uncompahgres. Those south are a spur of the main range continued from the range which bends around the Rio Grande. From the summit of the pass one looks down the Lake Fork of the Grand for three miles.

View from the summit.—The view is supremely grand. On either hand rise close above the stream gigantic peaks far above any vegetation—bare crags with immense bodies of snow in the deep gulches. From

these gulches flow numerous small snow-streams. This pass, like all summits in this region, is a knife-edge.

The descent to the east.—The descent is steeper and far more difficult than the ascent. There was much very deep snow which fortunately bore the animals and bridged many gorges which would make the pass nearly impracticable without the snow. The timber-line was higher than on the Animas side, and we soon began to pass through groves of finer spruce than I have seen on any other slope in this region, and over glades of tall fresh grass, spangled with many wild flowers. The willows, which here, as elsewhere, are the highest vegetation, were just opening their leaf-buds; buttercups were among the highest wild flowers seen. We descended about two miles on snow-bridges and over rugged slopes to a small park—Mountain Park. Looking back toward the heads of the streams which come into the park, the peaks of the Uncompahgre and of the main range presented singularly wild and grand sky-lines against the perfect June sky. They presented no soft lines or angles, but all terminated in sharp crags, crests, and spurs. In many places their thin edges of snow curled over the crests, through which the sun shone with a soft glow into the chasms below, an effect which I had never before seen and which was strange and weird. We camped by a soft spring at the bottom of the park; wood and water; march about 15 miles.

Lake Fork is here about 30 feet wide and 1 to 2 feet deep. Snare Creek and Delusion Park, so named because in coming in sight of them after our tedious and difficult march through fallen timber above the cañon it seemed as if we were about to descend into Paradise, and instead we found a delusion. The Park extends four miles; a bottom thickly grown with willows and brush, and often miry. There are some small glades of fair grass, and considerable pretty good timber, spruce and cottonwood. After leaving the park had frequent views of the great peaks of the main range, 3 to 5 miles to the right. After this saw occasionally the great peaks of the Uncompahgre, (our past topography.) Just before reaching the park, on either hand, are high, bald crags, cliffs, and slides. From the slides they seem to be syenite granite, porphyry and trap, the two first in great preponderance and with fine crystals, hard and compact. We cross the stream just as it enters a cañon, and our trail runs along the mountain-side from 200 to 600 feet above the river and is exceedingly difficult.

There is much fallen timber, and the slope is as steep as it can be and holds a thin soil; of vegetation scant. At the exit of the stream from the cañon the latter is 300 or 400 feet deep; at one point seems no more than 20 feet broad, and probably is not more than 50. The width seems less at the bottom than the top. At the crossing the stream is 40 feet wide and 1 foot deep, swift; small bowlders at this point; aspens run up east slope 1,000 feet; spruce 400 feet farther; all small and much windfall.

East slope here becomes craggy and furrowed with deep gulches. Mountains slope to stream on each side; on east 500 or 800 feet of very steep grass slope, with a little aspen above on the west; rugged cliffs and slides. After leaving the park the stream enters a narrow box cañon 10 to 30 feet deep, where the mountains close in again for half a mile. Below this commences another such valley as above, through the willows and mire of which the trail is difficult. The mountains on the east of Delusion Park, for two-thirds of the distance down, are mostly bare excepting the lower mile, where timber appears nearly to the visible crest, which is not the summit. On the west the mountains are timbered to the summit below Snare Creek, and show rock only occasionally, or rather timbered to the visible verge. The lower third of the park on the west seems to consist of trappean or basaltic rocks. Those on the east, however, seem granitic, but with larger crystals and more feldspar, and show greater tendency to disintegrate. Range about the same distance to the left.

The mountains seem close at hand, more timbered, and now show their rocks exceptionally, evidently also more basaltic and much more trap. There is no more bottom-land until reaching the lake, but the valley is filled with low hills and ridges. The stream then passes through a cañon 50 to 150 feet deep, with vertical walls one-fourth of a mile long. Below this cañon the mountains open out and form a valley almost entirely filled by a lake two and a half miles long by three-fourths wide. After crossing to the west side above the lake, had about 1,500 feet of willows, 8 to 10 feet high, and bottom extremely soft; animals mired to their bodies at every step. Then passed through a grove of yellow pines and down the west side of the lake on the slope of the mountain. This lake is a beauty. Its waters are perfectly clear, and reflected the mountains which slope into the lake on all sides. It has numerous coves and reaches, and two or three little islands dot its surface. Ducks, teal, mallards, and mud-hens were seen in all the coves with their broods of young, while a flock of ambitious mallards were sailing down the middle of the lake. There are no fish. Immediately below the lake begins the great land-slide, to be described hereafter. Crossed about a mile below the lake. Stream here 70 feet wide, 4 feet deep at most, and very swift. Fortunately the bottom is not rough at this point, and by lariats animals were gotten over with no great difficulty. Camped immediately on east bank in a small alder thicket at foot of land-slide. Grass rank but coarse.

About one-fourth of a mile below this camp is the first fall of the Lake Fork, a very peculiar cascade. The stream, 60 feet wide, deep and swift, first plunges about 30 feet, strikes the face of a cliff, is deflected to the left nearly at right angles, plunges immediately about the same depth, is deflected to the right at a less angle, plunges immediately about 20 feet, and goes on its course as rapids. Thus the whole fall is 80 to 100 feet in a spiral cascade. Deep caverns are worn into the face of the cliffs as the water strikes them, and standing on that, below the first leap, one is within 20 or 30 feet of the crest. The whole spiral is one mass of foam. The cliffs seem a shaly trap or other rock of the trap kind, dark and extremely hard. From this point the scout was further continued down the Lake Fork some distance, but as the topography will be described in a succeeding portion it is here omitted.

Upon retracing the route, we struck south from Lake San Cristobal, and reached Antelope Park, meeting Mr. Bassel and the party just entering from the Rio Grande. That night we received news that the reconnaissance would be continued according to the original schedule, the Indian troubles having turned out to be of little consequence.

Provisions were received to last the party while making the examination of the Lake Fork, and immediate arrangements were made to commence the trip. Connection was made with our outward line near Camp 17.

Examination of the Lake Fork.—On our return, Camp No. 40 was made on the site of Camp No. 17, and Camp 41 on the eastern side of Bristol Head, about two miles south of Camp 18. Thence, on our march to the Lake Fork of Grand River, our trail diverged from that before described at the southern apex of Bristol Head, where we passed up a dry cañon close to the precipitous face of the mountain, which we named Lake

Cañon, as we found a lovely lake on it, which we named Lake Mary, at the northern end of which we made Camp 42.

Lake Cañon.—Lake Cañon is about seven miles long and half a mile maximum width, its long axis in a nearly true northwest and southeast line. The eastern wall is the face of Bristol Head, and the western wall the face of a range of gently rolling hills which gradually fall in the southwest to the level of Antelope Park, and vertical on their northeast face. Evidently these hills were once the end of the spur cut off by some process of nature. Both the faces are vertical, and generally of a coarse conglomerate composed of rounded water-worn pebbles and bowlders, imbedded in and rounded by a material which has the appearance of dry sandy clay. In the valley are many enormous bowlders of this conglomerate, which have taken fantastic shapes, piled in and overhanging the little lake. The eastern wall reaches a height of over 2,500 feet, as deduced by barometrical readings, about 1,800 or 2,000 feet of which is vertical cliff; below this is a steep slope of rocky *débris*, with a thin soil, and spruce timber. This cliff is very grand. All along the face of it are towers and pinnacles, few of them rising to appear in the sky-line, but generally projected against the face of the cliff, giving wonderful lights and shadows.

These spires are often connected for long distances at their bases, then rise sharply from the mass below, like the myriad pinnacles of Milan Cathedral; sometimes in groups, and again one solitary spire will rise from the base of the cliff to its summit. Great buttresses spring from far out in the valley, and along the crest are here and there jagged rocks like battlements.

Lake Mary.—Lake Mary is a lovely little sheet of water, about two and a quarter miles long, and a quarter to a third of a mile wide, dotted by many wooded islets, overhung by woods on its steeper western bank, and covered by flocks of wild fowl. Many picturesque works under the nooks on the western shore, from which charming views of the lake and great mountain precipices are obtainable.

While encamped on Lake Mary a fire caught in the long grass from our cook's fire. A high wind was blowing down the cañon, and, although vigorously fought, the fire soon obtained the mastery, and swept through the camp of the escort. No serious damage was done, however. A corporal and private were sent back to Camp Loma for a supply of blankets, &c., to replace those lost by fire, and were directed to overtake us on the Lake Fork while we continued our march toward the pass.

Clear Creek Falls and Cañon.—About three miles from Lake Mary we passed into the valley of Clear Creek, and six miles from Camp 42 we came to the cañon and falls of Clear Creek. This cañon is apparently about three-quarters of a mile long, ox-bow shaped, west, south, and east nearly, from 50 to 100 feet deep, basaltic sides, opening out wide at top and shelving toward bottom. It opens out in the plain, and through it the waters of Clear Creek pass to the plain below. At the upper end of the cañon is a water-fall of about one hundred feet, in four cascades. The stream being about 10 or 12 feet wide at brink of the fall, which was stated by our guide to be lower than he had ever before seen it. About a mile and a half above the falls we crossed the great Ute trail from Cochetopa toward the country south of the Sierra La Plata. This is the trail crossed on our ascent of the Rio Grande, and the one followed by me on return from Lake Fork scout toward Franklin's ranch, until the trail turned up mountain. The whole country, from upper end of Antelope Park to pass, and between mountains of main range on either side of the valley, is a magnificent cattle-range. Tall

grass, much aspen and spruce up the valleys of the small streams, with plenty of shelter and water. The whole region is one of rolling hills from the mountains on all sides.

Pass from Clear Creek to Lake Fork.—Our Camp 43 was on a small branch of Clear Creek, near its head, and the march from this camp to Camp 44 was over the summit of the main divide, approached from the eastern side by probably the easiest grade to the main divide in Southern Colorado. The summit was broad and level, and is the "high park" seen from the top of Bristol Head. From this summit an extensive view is obtained of the valleys heading in the Uncompahgre and main ranges. From the summit a first view of Mount Chauvenet was obtained—so called in honor of the late eminent professor of astronomy at Washington University, Saint Louis. It is probably the highest montain in this region and the grandest I had seen. The miners have sometimes called it the "Leaning Tower," and sometimes "Capitol" Mountain, from its appearance seen from different points of view. We nowhere saw it as the "Leaning Tower" of the miners, but our guide assured us that, seen from the west, its appearance is that of an immense tower toppling over. At this time it was covered with snow far down its side.

The summit of the pass was quite dry and free from snow at this time, but there were a few patches of snow and swampy places when I crossed it a few days before, returning from my scout to the head of Lake Fork. Our view in the direction of Upper Rio Grande and Lake Cañon was cut off by smoke from great fires. The region about the heads of the Rio Grande, Florida, San Miguel, Uncompahgre, Cebolla, Lake Fork, and Grand Rivers is of limited extent, perhaps 20 miles square, filled by a mass of snow-peaks in groups connected by crests, more or less high, from which the waters flow radially, and is probably the highest portion of the Rocky Mountains.

It is only by thorough reconnaissance that one can arrive at the truth regarding the sources and courses of these streams and the position of the peaks and spurs. The vertebral and rib system of putting in a stream and its tributaries is useless, as shown by the extremely erroneous maps of the Grand River and its tributaries. This region, like that of the Yellowstone Lake, seems to be one of the domes of the continent, as is shown by the fact that the same rivers which eventually flow west flow at first east and south, like Grand River and Lake Fork.

About a mile and a half beyond the divide we crossed a shallow valley, in which was a stream flowing northeast, one of the heads of Grand River, and at half a mile beyond this we crossed a second divide, on the northern slope of which was a dense growth of spruce and aspens.

About a mile below this second summit we made Camp 44, on a small open bench or glade, nearly opposite the southern end of Lake Cristobal. Thence the trail descends rapidly into the valley of Lake Fork, very steep and passing through the densest growth of small aspens yet met with. About a mile and a half below Camp 44, opposite the upper falls and near the north end of Lake Cristobal, we crossed an enormous land slide, which extends about a mile along the river by about two miles up a funnel-shaped gorge in the mountains, on the right bank, on the northern side of which is a tributary of the river.

The slide is composed of a bright yellow clay, soft in places, no grass or other vegetation on it except spruce-trees, many of large size and in their natural positions. Below the slide the descent is less rapid, and on a creek about three and one-half miles from Camp 44 we pass the "Scotland" mine, a claim which we were told was sold in Denver for

$30,000, now abandoned. This, with a few leads on Godman's Creek, said to run $500 per ton, are the only known leads in the lake mining-district, and these had only been worked for the claim. A few burros were seen, indicating presence of prospectors and some very old tracks on the trail, probably not more than six men in the district, and they prospecting.

To Camp 45.—From land-slide to Camp 45 trail good and plenty of grass; valley from a quarter to three-quarters of a mile wide, with rolling foot-hills and sparse growth of yellow pine, spruce, and aspen, having a truly charming appearance at the Lower Falls, where we made Camp 45.

On our march from Camp 44 to Camp 45, roses, cardinal flowers, larkspurs, daisies, gentians, Solomon's seal, and many other flowers were seen. Wild flowers are much more abundant and beautiful than on the eastern slope. In truth, the valleys of the Rio Grande and Arkansas, even up in Antelope Park on the Twin Lakes, is dry and barren compared with similar valleys on the Pacific Slope.

Lake Fork, especially above the Lower Falls, is a beautiful stream with abrupt rocky banks, flowing in dalles and cascades with a fringe of timber along most of its course; some fine photographs up and down the Lake Fork and lake were here made.

The Lower Falls.—The Lower Falls are very picturesque. The river flows very rapidly, confined in a gorge 30 feet wide, to the crest of the first plunge of about 25 feet; the stream then runs in a gorge, funnel-shaped, contracting to about 15 feet width at the crest of the main fall. Here it shoots out into the air and drops 60 feet; a clear fall into a deep wall-sided gorge below, about 150 feet long and 75 feet from surface of water to brink of rock above; below, these walls rapidly lower until they are but little above the stream. Immediately above and below the falls the cliffs at water-level are worn into deep and irregular caverns.

From the crest of the first leap to 50 feet down the gorge under the lower leap, the water is lashed to a snow-white foam of most lovely shapes, much like the Upper Fork of the Yellowstone. From the foot of the sheet, foam and spray rises high above walls of the cañon so as to wet my book as I sat above writing. Bright rainbows played about and over the cañon.

Godman Creek.—From Camp 45 I rode up Godman Creek for about three miles. Found it a deep gulch nearly east and west. The north face of this gulch is generally about 2,000 or 2,500 feet above the stream, of reddish-gray trap, with much slide, sloping very sharply down to within 200 or 300 feet of stream, then ending in a vertical cliff. No soil or vegetation on this slope. Exposes deep furrows and sharp crests up and down the slope. The southern face is much the same, but holds a thin soil with scant timber and vegetation, thus making a trail possible. Went up this trail in search of miners and to learn about the reputed leads of this gulch. Found the trail steep, rocky, and very rough—a burro trail. There were on it some recent tracks of two or three burros, a man, and a dog. No further sign or trace of the miners of the lake district. These tracks were down the trail. My ride was terminated by a formidable gulch, which I did not think advisable to attempt with a mule.

Godman Creek is about half the size of the Lake Fork above their junction; wild and swift, its bright green waters flecked with foam, winding in cascades through its picturesque gorge.

Camp 45 to 46.—From Camp 45 down the valley the trail was very

good except where the river was crossed, at which place the descent into the cañon was rather steep.

The valley is irregular in surface. The mountains on the left bank come close to the river; are mostly bare of soil. The slopes are very steep and rugged, with deep gulches and furrows, rugged crests and spires shooting up everywhere.

The width of the valley for a distance of nine miles below Camp 45 is nearly all on the right bank, the hills on this side having softened lines and rounded slopes. These hills break down at a point about four miles below Camp 45, exposing at a distance of from two to four miles what seem the summits of the Grand River Spur. The hills run down to the river in gentle undulations here and there, opening out into a small level park, are well grassed, watered by many small streams, and thinly covered with yellow pine. This pine is at largest 12 to 18 inches diameter, forty to sixty feet high. Here and there an old tree has escaped Indian knives and grown much larger. Growing in the open they are branched to the ground.

The trail is well worn, and the peeled trees show that the valley has been much frequented by Indians, but none of them had been peeled within a year or two. About six miles below Camp 45 the river enters a rocky cañon from 50 to 75 feet deep.

Upper Cañon of Lake Fork.—At the head of this cañon Spire Creek comes in from the west. The walls of this cañon are composed of a light reddish-gray porphyritic trap much disintegrated, falling in steep slopes, through which slopes appear cylindrical columns crowned by sharp conical spires. Many conical surfaces of solid rock appear frequently through the *débris*. At the point where we crossed the stream the hills on the right had become rugged and ran down to the cañon just below the ford, rocky slopes with high jagged points and blades standing up everywhere, apparently a red porphyry and clinkstone. The valley-hills are now nearly covered with sand, sage-brush, and cacti.

From our ford to Camp 46 our trail was over a sage-brush-covered plain, and the camp was made near the slope of the mountain, about a mile from the river, in a swale with fine grass, plenty of wood, and scant water. River in a cañon about sixty feet deep, with no bottom-land whatever.

West of Camp 46 a valley opens out, up which a view is had for about three miles. A stream flows down this valley into the river, passing through a deep, heavily-timbered cañon in front of our camp. Down this valley a well-worn trail came, making a junction with that down the Lake Fork about a mile below.

Below Camp 46 for about eight miles the valley presents the same general appearance.

Great Gate.—At this point we passed the Great Gate, a rift in a spur sweeping around from range to range across the valley, curved concave up stream; all lines in present crest indicate this.

The "Gateway" is about 500 feet high and of basalt. The upper 50 to 200 feet is perpendicular cliff, below which slopes of huge sharp-angled rocks. The cliffs resemble the Palisades of the Hudson, columnar and regular, and it is similar to the spur and cañon above the lake. The valley must have formed a lake above this point, but no marks of water-benches are apparent, perhaps owing to the steep slopes having been rapidly washed down. Above the Gateway the cañon has gradually broken down until the river flows between steep-sloped gravel-banks of 30 or 40 feet height. Back from these, on either bank, are

narrow sandy mesas covered with sage-brush and scant pine timber, broken by ridges, riven by arroyas, and often completely obliterated by descent of mountain-skirt.

Below the Great Gateway the valley suddenly opens out to a width varying from a quarter to three-quarters of a mile, the river running in a deep channel between gravel-bluffs 15 to 30 feet high. This valley, mostly sandy, and covered with sage-brush, having an occasional bit of river-bottom, moist, grassy, and bearing a few willows and cotton-woods.

These places were all cropped close by recent large Indian camps. The trail is now a broad double one, like a wagon-road, many trails coming into it from the mountains southwest, west, and northwest. About a mile and a half above Camp 47 was a large grassy flat with remains of a recent Indian camp of fifteen or twenty lodges. Here a trail crosses the river evidently toward the Los Pinos agency.

Immediately below this point the hills close to the river for a mile, the trail passing high up over bowlders on the hill-side.

Just above Camp 47 the hills suddenly recede, leaving a little park of irregular circular form half a mile across, the river running close to the western hills.

On both banks sky-lines and slopes have rounded washed lines, but steep; trap and basalt everywhere. Immediately below camp the river enters a cañon exceeding 2,000 feet in depth, extending to its junction with Grand River.

Lower Cañon of Lake Fork.—This cañon was not especially picturesque; the walls were exceedingly steep, rugged, and of a red hue, and the bottom so narrow that we were unable to run our stadia-line down it. The great Indian trail to the Uncompahgre Valley leaves the river above the cañon and runs farther west. We followed it for nearly two miles up the mountain-side until we reached the high table-land above. We then followed the general course of the Lake Fork for a distance of about four and a half miles at a distance of about a mile west of it. The country is very rough and broken, being intersected by numerous small streams flowing in rocky cañons, which become very deep and precipitous as they approach the river. The table-land extends west for about six miles, where it is broken by some low hills, and beyond these we could see some distant mountains. There was very little grass or timber where our line ran, the ground being covered with loose rocks, patches of sage-brush, and many wild flowers. West of our trail the surface of the country is more even, and there is also some timber and grass.

At the point where our line terminated we could overlook the Lake Fork and see in the distance a valley bounded by high mountains, running from the southeast to the northwest, which we supposed to be the valley of the Grand River. Its junction with the Lake Fork was judged to be at a distance of three miles, bearing N. 70 W. A little to the east of the point of junction is a break in the mountains to the north, appearing like the valley of a large stream coming in from that direction. The mountains in the northwest appeared to be low, compared with those on the north and east. Several small creeks were seen flowing into the Lake Fork from a high ridge of hills on the east, which ran parallel with the creek and distant about four miles from it, the intervening country being very rough and broken.

While at Camp 47 we were visited by many western Utes, mostly well armed, well mounted, and well dressed; uncommonly clean, smiling, and civil; short men, with broad muscular shoulders; good-looking for Indians; bland, courteous, and great beggars.

From Camp 47, toward Los Pinos agency, our trail, after crossing the river opposite our camp by a rather difficult ford, was up the valley of a small tributary flowing from the east-southeast, rising a thousand feet in about three miles, on to a broad rolling plateau about a mile and a half wide, with sparse spruce-pine and aspen, being the divide between the Lake Fork and another tributary of Grand River known to the Utes as "The Stream with the White Banks," named by us "Soda Creek," from a soda-spring found on its banks.

Camp 48 was situated in a swale just below the divide, on the head of a small tributary of Soda Creek. In one of the pine-trees at camp we found a humming-bird's nest with two eggs in it. The little bird was much disturbed by our arrival, but soon became reconciled to the unusual bustle and sat in her diminutive nest watching us with a bright suspicious eye. We fenced her in to protect her from our stock, and she was none the worse for our visit. About three miles from Camp 48 the trail entered the valley of Soda Creek, crossing a small tributary of that stream, which comes in from the south down a flat-bottomed valley. The valley of Soda Creek is about half a mile wide, level bottom, in some places marshy, stream fringed with willows. Our trail was up it for about three miles in a southeast direction. We then crossed the stream, (here about forty feet wide and about two feet deep; low flat banks, pebbly bottom, not very swift,) and turned east up the valley of a tributary. Ascent gradual for about two miles to a low divide between this and another and higher tributary of Soda Creek. Crossed the divide and made Camp 49 on last-mentioned creek.

The hills between Camps 48 and 49 are all barren, sage-covered, with sparse small piñon, spruce and aspen, good grass on margin of streams. Theodolite No. 5 was broken, and the plates bent, by a fall on the line between these camps.

From Camp 49 toward Camp 50 the course was for about two miles up the creek, the ascent being quite rapid. The slopes well grassed and sparsely timbered with small aspen and spruce; summit-level grassed plateau, one mile across, a considerable medium-sized spruce on either hand. Descended about half a mile into a pretty valley, with small stream flowing southwardly rising near Camp 50. From Camp 50 trail ascended for five miles by a gentle slope on right bank of brook flowing west to a broad aspen-covered divide, and from this summit we descended about 600 feet in three miles to Camp 51, situated on a small tributary of the Los Pinos and distant about a mile from the Los Pinos agency. This slope was for the first half mile wide below summit very steep, remarkably well grassed all the way, and with many small aspens. At this camp we received visits from Agent Adams, Ouray, and several Ute chiefs.

The valley of Los Pinos is from one to two miles wide and six to eight long, northeast to southwest, surrounded by high rounded hills with considerable pine and spruce timber.

Valley bears excellent grass, but might have winters too cold for crops. Ration stock are grazed mostly at mouth of Grand and Cochetopa Rivers. Snow said to be 3 feet deep on an average level.

Agency consists of a good agent's house of pine-stuff, ceiled up with pine, and adobe fire-places very convenient; half a dozen employés' houses, with school and store-house. Indians come in early in May very hungry, and are fed during the summer, and in autumn go to the Uncompahgre region and lower agency for the winter. They have flour through the summer, have many goats, and good ponies. There is a saw and shingle mill at agency, which furnish lumber, &c., for all buildings and to sell.

Mr. Hine staid at the agency to get Indian pictures, rejoining us at this camp. He found them generally objecting to being photographed, often sulky and saucy.

From Camp 51 our trail was down the small stream, to near to its confluence with the Los Pinos, about three miles down the wide, open marshy valley of the latter, which we crossed at a point where it is 15 feet wide by 1 deep. The Tumitchie was crossed at a point about three miles from our crossing of the Los Pinos, and at an elevation of about 700 feet above it. The Tumitchie is here about 30 feet wide by 2 feet deep, and sluggish, divided at the point of crossing into two channels, and flowing in a marshy bottom about one hundred yards wide between banks about 50 feet high. Thence up the valley of a dry tributary to a divide between it and a branch of Pass Creek, making Camp 52 at the timber on that creek.

No camping-ground between the valley of Los Pinos and this camp. Country broken by rounded mountain summits displaying red granite and porphyry in cliffs having thin soil and poor bunch-grass. The ascent is easy for wagons and possible for railroads.

From Camp 52 to 53 over the pass the trail is remarkably easy, ascending easily by the valleys of small tributaries of the Cochetopa, over slopes grassed with bunch-grass and dotted with flowers, larkspur, foxglove, and many others.

The lines of hills are all soft, and all timbered with spruce and aspen. Beautiful open glades up the streams. The slope is very easy and entirely practicable for wagons.

We crossed the summit without knowing it, and only suspected the fact when the water was found running easterly.

Saguache River.—The descent into the Saguache is by equally easy grades. The country on the eastern slope is somewhat more rugged, but good grass and the same timber possibly smaller. Passed considerable pretty well grown pines. The creeks now begin to run in narrow, rocky gorges of a soft coarse granite much disintegrated, and worn into very strange shapes. None of these gorges offer any obstacle to a wagon-road, but are formidable fortifications for the Utes in case of war.

On high hills on either side of the Saguache, and its branches, are seen great ledges of this granite rock in low slopes stretching along faces of mountains like great public works.

On a hill to the left just before debouching into the valley is a ledge with salient and re-entrant angles, a vertical face of perhaps 50 to 100 feet, and some embrasures for guns.

This approach to the Ute country is easy so long as no resistance is offered, but, as I have said, the natural position is extremely strong for defense.

At Camp 53 the country inside the inclosing mountain ranges of the Saguache Valley is a mass of sharp, rugged foot-hills, little timber, and many deep gorges; otherwise it is a mesa country deeply cut with arroyas in the coarse granitic rock, these arroyas forming a maze not easily avoided. Below a small cañon the river-bottom widens out to one-half to one mile, and continues so to a ranch, where our road turns to the right from the river. This bottom is beautifully level and green, the grass being of excellent quality. The only wood is the fringe of black alders and willows along the stream.

The mountains, except the snow-peaks, are timbered ranges of soft, long slopes with nearly level sky-lines. The mesa country is arid and barren, with some cacti and sage. At the point of turning to the right we pass into foot-hills, rugged and sterile, and of porphyry and coarse

granite. So far as seen the mesas have disappeared; some spruce and cedar on the hills, but most of the timber is piñon. On the crest of the cliff over Camp 53 I found a line of small crescent-shaped rifle-pits, of loose stones piled up to one or two feet, so placed as to command the bottom, and more especially the mouth, of the cañon through which our trail comes in. This whole valley is said to have been an old stronghold of the Utes against the plains Indians, Kiowas, Comanches, &c. Marched about fourteen miles and made Camp 54; in a clump of cotton-woods on a brook; poor grass; no rain yet on eastern slope.

The whole region about Camp 54 is a mass of hills, of red and gray granite, 500 to 800 feet above streams, with little soil or timber. No grass except a narrow strip on little stream. Cacti and American aloe, piñon, and a little spruce on high hills. Land seems about worthless and sterile.

Camp 55.—At Camp 55 the valley has spread out to about two miles. The funnel-shaped mouth is formed by long, low, sharp spurs from the hills running out into San Luis Park. Some lines of low hills nearly cross the valley here.

These hills are granite, 300 to 500 feet high, barren of everything. The river valley in immediate vicinity of stream, and its arms, is green and fertile; elsewhere, except where artificially irrigated, it is covered with sage, (thorny kind,) and sand. Crops of fine spring-wheat are here raised; said to average fifty bushels per acre. Potatoes also are good. Up and down the stream are numerous ranches. They have comparatively little snow. Two blacksmith-shops, one store, and one saloon make the town. No timber on this part of the valley except a few small straggling cotton-woods. This fact, and the near neighborhood of Indians, would seem to make it an undesirable place.

Camp 56.—We passed out of Saguache Valley around the southern jaw of the valley into San Luis Park, and down this park about one to three miles from western foot-hills. Found the park here as below, and barren, except for sage-brush.

About seven miles from camp passed some brackish springs where is a cattle-ranch, the run being out in the park around the marsh, where the waters flowing in are supposed to sink. The road just here seems to be muddy, except in very dry times, otherwise it is admirably hard, smooth gravel. About fifteen miles from 55 a brook crosses the road, and near 56, on Carnero Creek, is Royal's ranch; a stock ranch. Here is a poor stock run, narrow, but reaching far out into the park along the Carnero. The mountains along the north and east all day were peculiarly fine. The sky-line is wonderfully bold, appearing as deep serrated crests, and sharp peaks of every possible shape.

Along this range, from below the timber-line to near the crests, lay a bank of white clouds drifting slowly; effect, sharp sky-lines, soft white clouds, deep black gorge, sharp spurs, and sand-hills.

From Camp 56.—The foot-hills on right rugged, destitute of all vegetation, except piñons, and composed of basalt and lava, come out in spurs from main range. On our left was the broad, slightly undulating plain, covered with sage-brush and cacti, bounded by the Sangre de Cristo range; the Carnero and Garcia run out into the plain and sink in the marsh or hypothetical lake. We closed with our former line at Del Norte, and then marched to Camp Loma. We were detained a day at Camp Loma waiting for transportation, and obtained one wagon on the 19th; this was our entire transportation to Fort Garland, and this was filled to the bows, after our load was in, with pack-saddles. The consequence was that Mr. Hine lost thirty-eight negatives broken, a

useless and irreparable loss, for which the officer furnishing the transportation was alone responsible.

Return to Fort Garland.—On July 21 we reached Fort Garland, thus closing our first line and completing the original schedule. Upon reaching Fort Garland I found orders to continue in the field, and make an examination of the various passes and approaches to the Ute country, from the Arkansas River as high up as the Twin Lakes or Red Mountain Pass. Here an unfortunate delay occurred. The unskillfulness of soldiers in the handling of pack-mules had resulted in the almost entire uselessness of our train.

Application for a new train resulted in much correspondence and delay, and was only filled by breaking up some of the post-teams. The time was partially utilized by sending a party to examine the Musca Pass as to its suitability for a wagon-route, and Mr. Bassel's report of this is appended. We finally got off on August 23, under orders to procced to the head of the northern waters of the Grand River, passing to the Arkansas at the most favorable point.

We retraced our old route as far as Camp 53, making this the initial point of our new instrumental line. No additional remarks are called for by the first part of this road, except that a cut-off was made from Fisch's ranch to the Carnero, over the waterless bleak desert, until the Garcia was crossed about two miles from the Carnero. From Camp 53 we passed to the north fork of the Saguache. We crossed the Saguache, following the old wagon-road of Gunnison's Pass up a small tributary, through a small cañon crossing to the north fork, and Camp No. 7 was made on a small tributary.

This portion of the route is in a shallow cañon. Here the cañon has become a shallow narrow valley, through hills of gentle slopes, their skylines being about 500 feet above the creek. Some yellow pine is found, of no great size, and occasionally spruce and aspen. Bunch-grass is excellent up this valley on all visible hill-sides. No bottom, or bottom-grass, worth mentioning.

This region will afford admirable summer stock runs.

From Camp 7 we continued up the Little Creek Valley, which is well grassed, and pine and spruce increase in size and quantity. On either side are low, rolling hills timbered and grassed. Two and a quarter miles above Camp 7 the road enters an aspen thicket, large and growing close, which continue for a distance of about a mile to the western slope. To this point the wagon-road is excellent, in fact continues so all the way to the agency.

There is for a short distance on either side of the summit a pretty steep grade, but not impassable even for heavy loads. On the west, as on the east, the approach to the pass is through a country of low rolling hills. Little timber but pine; grass and plenty of water.

Camp 8.—Camp 8 was on Pass Creek. Thence leaving the valley of Los Pinos and Pass Creek, the road ascends by a steep, rocky hill about 200 feet on a rolling mesa country covered with sage, and cut by gulches running westerly into the Tumitchie. Here and there are little clumps of piñon and a few yellow pines, spruces, and aspens in the gulches. On the right, distant a mile to 1½, are wooded hills 800 to 1,000 feet high, evidently the main divide. Along the stream is a little bottom with a dense growth of willows, brush, and few cottonwoods and good grass. All the gulches are well grassed in the narrow bottoms and carry very small, but clear, cold streams. They afford little other wood than sage. The country continues much the same as on the preceding march, but takes the form of foot-hills rather than mesa. These hills

are barren, with considerable outcropping rock. The valleys or gulches are so wide, abrupt, and deep, that no practicable railroad-route is found and the grades are heavy even for a wagon-road.

We enter the valley of the Cochetopa by a grassy gulch of about two miles. Here we found a fine bottom of one-half to one mile wide with luxuriant grass, a dense fringe of willows along the stream, and scattered clumps of well-grown cotton-wood. Stream about fifty to seventy-five feet wide, and one to three feet deep, beautifully clear, with pebble bottom. A pretty good pole-bridge across both Cochetopa and Quartz Creeks, built for the convenience of agency herdsmen. Camp 10 was in the bottom, about a quarter mile below; Quartz Creek here about 20 feet wide, and 1 to 3 feet deep, perfectly clear, pebble bed. It has a bottom of one-half mile for a distance of perhaps three miles before the mountains close.

Cochetopa River.—The Cochetopa bottom extends about ten miles above the junction of Quartz Creek, one-half to three-fourths of a mile wide, and level; fine grass, little cotton-wood, dense fringe of willows along same. The broken mesa country near the river is difficult to distinguish from the foot-hills. All north of the Cochetopa is a mass of these rugged foot-hills.

Our trail from Camps 10 and 11 was in the bottom of Cochetopa River.

At Camp 11 in Cochetopa Valley, the afternoon storm set in with the most violent burst of hail and rain I ever saw. This continued for an hour, flooding the camp, which had to be moved to high ground. During the evening and night were showers.

Many beautiful trout, weighing from ½ to 3 pounds, mostly about 2 pounds, were caught in the Cochetopa, and some teal and mallard ducks were shot.

Thence, about 9 miles to Camp 12, across the Taylor, on a narrow tongue between the Taylor and the Ohio Creek. Till within about 2 or 3 miles of the junction of Taylor River and Cochetopa Creek, the valley of the Cochetopa is about 1 mile wide, well grassed, with considerable cotton-wood, altogether a beautiful valley; probably the winters are severe and frosts early and heavy. The lower valley of the Taylor is much the same in size and character, and at the confluence is a level triangle of fine bottom, containing 5 to 8 square miles. About opposite, where the trail comes into the valley of the Taylor, on the south of the Cochetopa, is seen the butte of the divide next west of Los Pinos Valley.

Here it has broken down to low hills but a trifle higher than the general level. Directly opposite on the north is a bluff-head running out into the valley, probably the ancient continuation of this divide and an old lake barrier. Where the river has cut through the divide is about 100 feet above the valley. Ascended hills west of camp, but could make no notes on account of wind. Saw Mount Chauvenet from the trail, and from these hills the bearings were obtained; also high broken country between our old trail and the Grand River.

Ascent of Ohio Creek.—The ascent of Ohio Creek was one of the pleasant episodes of the march. Between the Ohio and the Taylor is a small bottom of triangular shape, 4 miles long and 3 or 4 wide at the base.

The Ohio bottom is about 1 mile wide with fine grass and a little cotton-wood timber. For four or five miles the slopes of the foot-hills are covered with tall, thick sage to a height of 50 to 100 feet above the creek. Elsewhere is fine bunch-grass with frequent small aspen thickets. After this portion of the valley is passed, the hills on either side are grassed thickly down to the bottom, and on the left they rise 500 to

1,000 feet above the valley, and have on top much fir and spruce. On the slopes are numerous "spring branches" with aspen thickets. On the whole this valley of the Ohio and of the Little Creek, on which is Camp 13, is a charmingly soft and enticing picture. The sunny slopes with waving grass, the little hill-streams and copses of aspen, the crown of dark evergreens and the background of the Cathedral rocks, forming a lovely whole.

These Cathedral rocks are, perhaps, 6 miles southwest from Camp 13, evidently on the spur running down west of the Ohio. They extend for one or two miles, are apparently of nearly horizontal strata of some soft rocks washed down, exposing cliffs and spurs 300 or 400 feet high. Many of these spurs are cut in sharp lines against the sky. At one point a cliff like the end of a great cathedral, with strange fantastic spires and long rows of columns in tier above tier, showed bold outline and forcibly claimed for itself the name it bears. The scenery continued the same to the head of the creek, where the ascent was steep and through dense fir, spruce, and aspens, then through glades and again through dense timber in the descent to Camp 14. The ascent of the Ohio Creek has brought us among the high peaks of a spur of the Elk Mountains. These peaks, high, ragged, and formidable, with immense sharp crests and rising high above the timber, challenged a closer examination, and the party made a detour from its course for this purpose.

Examination of the philosophers' monuments.—A march of eight miles brought us over the divide separating the waters of the Taylor from the next tributary of the Grand to the west, the "Bah," an Indian name. The Bah is said to empty into Grand River, below the Lake Fork. Camp 15 was on Anthracite Creek, so called because of a vein of evidently fine anthracite coal found near its head by Thornton, the guide. Professor Hawn visited the ledge and secured specimens. The slopes of Anthracite Creek are densely covered with fine timber, and vegetation is luxuriant, and the grass in the glades as fine as bunch-grass could be. The head of Anthracite Creek is encircled by a rim of magnificently bold peaks, sweeping in a gigantic curve of many miles from the north and west, by the north to the south. These striking forms seemed to be worthy to bear the names of those philosophers whose writings have given an impression to the present century as permanent as their namesakes are in the heights of Colorado. Mount Richard Owen has two peaks, the northern of which is the higher, of dusty red rock, probably ferruginous quartz, or perhaps trachite. The peaks are of smoother slopes than those of syenite and trap, but are doubtless more difficult of ascent, as they present exceedingly sharp, unbroken slopes of small slide rock. From Mount Richard Owen down to Camp 15 is a crest of syenite. This crest, at junction with Mount Owen, has vertical faces of 200 to 300 feet, below which are slopes of *débris* of same height. This crest drops slowly down to the stream at Camp 15. Its crown is perhaps 5 to 20 feet wide, and too broken to travel on, with great rifts and immense spires. It seems like the ruin of a gigantic causeway, heading up to the peak beyond.

On the curve, beyond Owen and Spencer, are several smaller peaks. Herbert Spencer is a gigantic summit of several peaks, connected by sharp curved crests, with an inclosed basin slightly lower than the general height of the slopes and peaks. This mountain is of syenite or other light-gray rock, and presenting a grand confusion of pinnacles and buttresses cut by yawning gorges. It is a gigantic and wonderful mass, comparable to nothing but itself.

South of Spencer, across the creek, is Mount Huxley, a lone mount of

light-gray syenite, sugar-loaf in general outlines, but presenting in all the slopes a remarkable array of conical spires, nearly uniform in size and shape, arising from base to summit, covering the mountains, the deep shadows showing the bold relief of these spires. From Mount Huxley to Mount Stuart Mill is a low timbered ridge, and from Mill another low ridge extends to Carpenter, and then a line of ridges and crests extend to the summit south of Camp 14.

Ascent of Mount Mill.—From Camp 16, accompanied by Mr. L. Hawn, I ascended Mount Mill, starting at 10 a. m., and getting back at 5.30 p. m.

We found no difficulty in the ascent, but steady hard work for four hours and twenty minutes.

The timber, approaching the summit, extends from camp far up the slope, very dense, and fire-killed in places. The herbage is rank beneath and fallen timber concealed under grass makes traveling tedious. We struck the foot of a back-bone extending one and a half to two miles from the peak toward Camp 16, up which we climbed. This back-bone is from 50 to 200 feet high, nearly vertical sides, and just sufficient crest to give foot-way. This gave us quite an easy ascent for a long way, but was broken at one point, where we had a descend to slide rock, and ascend again with considerable difficulty and risk. Found Mount Mill to consist of three or four peaks lying in the great curve already described as sweeping around from Mount Owen to south of Camp 14, connected by high crests, all above timber. The peak ascended is the highest of them. It is of syenite, light gray, very rugged, presenting, from a distance, little variety of form of surface, but nearer it is seen to be much broken.

West of the Bah River runs a gentle slope, said to be sandstone. Country heavily timbered to the divide of the Grand and the Gunnison. This slope becomes much cut by gorges and cañons, but its surface indicates stratified rock. Northward, the view includes masses of immense peaks, wild and formless, snow-capped, rising in chaos—nothing else. Southward and southeastward are peaks breaking away toward the Gunnison, and revealing the Uncompahgre Mountains in the distance. Heavy clouds prevented a view of the latter. Storms were seen in all directions—thunder, lightning, rain—and one high peak grand, black, and weird. Slight snow fell as we came down; rain below saturated us returning through the woods.

Continuation of the march.—From Camp 14, now become 17, the route was down a gulch called "Nigger Gulch," because it had been prospected by a negro.

There had been rumors of gold, but as the negro had not re-appeared, those rumors remained as such. The route lay high on the hill-side of the steep narrow gulch, through the richest of bunch-grass, two feet high, and bending under the weight of its seed like fields of ripe grain. Higher up the slopes is good timber—aspen, spruce, and fir.

Camp 18 was made at the junction of Nigger Gulch and Washington Gulch with Slate River. East River comes in a few miles farther down. Slate River is a tributary of the Taylor.

Lone Mountain.—We remained at Camp 18 one day to allow of the ascent of Lone Mountain, an isolated peak between Washington and East River.

The outlines around the base of it are perfectly beautiful in the soft rolling outlines, green with luxuriant grass, and bright with clumps of aspens. Mr. Hine, Thornton, the guide, and I made the ascent, taking animals about one-half way up, and photographic material to within about

600 feet of the summit. The slope from Washington Gulch to the upper aspens, about one-half way up, is densely covered with the same beautiful bunch-grass before mentioned. Above this point is an occasional patch of aspen and spruce not of much size. Slide rock extends as low as the point where the animals were left.

Ascent beyond was not very difficult, but steep. From the summit the view was magnificent.

Down the valley we saw the junction of Slate and Taylor, and far beyond the valley of Los Pinos, the divide west of Los Pinos, Mount Chauvenet, and the end of the Uncompahgres. Northerly and northwesterly are the peaks of the Main Elk divide, high, rugged, and confused. These peaks present a great variety of form and color. Many of these expose strata of dark-red, brilliant rock, probably sandstone, alternating with thin, gray strata, the exposed face being hundreds of feet, and the strata dipping at angles of all degrees between 0° and 60°.

Other peaks expose dark strata, probably slate or shale, while the highest are like Lone Mountain, covered with dark-gray syenite. Eastward are the lofty peaks of the main range. Close under the eastern base of Lone Mountain flows the east fork of Slate River, a stream thirty feet wide and one to three feet deep, with a considerable velocity and very clear. On the west, between Lone Mountain and Camp 18, is the mouth of Washington Gulch, which is nearly parallel to the Slate for five or six miles above.

The valley of the Slate is here about two miles wide, and of the East River probably one mile, and below the junction the valley may be two and a half or three miles for a short distance. The hills seem, however, to close in rapidly. Down near and below the junction there is in places considerable sage, but not so much anywhere as to crowd out the bunch-grass.

There is much slate in the bed of Slate River, but mostly in form of gravel and wash. The bed of East River is made of bowlders of sandstone. The creek in Washington Gulch has a solid smooth bed of dark slate. Washington Gulch diggings, (placer,) never rich, seem abandoned now.

There are rumors of diggings on Rock Creek, a branch of the Grand, (or Roaring Fork,) which heads against East River.

A wagon-road goes up East River, coming in by Cochetopa Pass and the Taylor; wherever we saw it, it was an excellent road.

Slate River.—From Camp 18 our route was down the valley of the Slate River, the trail for the first two miles being close to the steep slope on the right of the valley to avoid the numerous soft places in the flat. Thence we turned across the valley to the left slope near the south end of Lone Mountain, (the valley at this point being about three-fourths of a mile wide,) crossing at the same time a good wagon-road which leads up from Taylor River as far as the entrance of Washington Gulch.

Below Lone Mountain the valley widened to about one and a fourth mile, gradually contracting to about three-fourths at the junction of East and Slate Rivers, about six miles straight below Camp 18; thence in a mile it gradually widens to about a mile at the mouth of Cañon Creek, in the valley of which we made Camp 19.

Cañon Creek.—Cañon Gulch contains good bunch-grass, but herbage is much less luxuriant than on the other waters of the Slate. Cañon Creek is about 10 feet wide and 1 deep, rapid, with sandstone bowlder bottom. For two miles up the creek there is no bottom-land, the hills rising from 800 to 1,000 feet, and timbered to the water's edge with

aspen, fir, and spruce. Here and there are exposed red and gray masses of sandstone. The trail then leaves the gulch, rising to the hill-top on the left to avoid a cañon through which the creek passes. This cañon is a half mile long. The north side is a nearly vertical wall 300 to 400 feet high, of red and gray sandstone, and the other side a timbered slope. After passing the cañon the trail descends again to the stream. Here is a valley two miles long by three-fourths wide through which the stream falls with little flow. Here are numerous springs flowing down from the hills, and the usual fine bunch-grass. The hills are 500 to 1,000 feet high and expose ledges of dark red sandstone. From the head of this valley the trail leaves the creek and turns sharply to the right, up a very steep, heavily-timbered hill, about 1,200 feet above Cañon Creek, while the creek comes down through a gulch with steep, high mountains of red sandstone.

Deadman's Gulch.—From this divide the descent led us to Deadman's Gulch, which is a steep, narrow gulch with an ice-cold and perpetual brook of little size. Its slopes where exposed are grassed knee-deep with bunch-grass.

The hills on either side are, perhaps, 1,000 feet high, steep and heavily timbered with spruce and fir; much of this timber is fire-killed.

This region between the Slate and Taylor is very high, with rounded sandstone hills, much cut by gulches, like Deadman's.

Spring Creek to Taylor River.—The divide between Deadman's Gulch and Spring Creek is a hilly, grassy ridge. Spring Creek has a bowlder bed, is about 20 feet wide, and 1 to 1½ deep. The valley below narrows to a mere gulch between barren hill-sides. Above, the valley is wider and the creek appears to head, together with Deadman's, in the Elk Mountains. Our route carried us up a tributary of Spring Creek, a country of sparse timber and grass and much sandstone *débris*, over a low, flat divide, and down a small tributary of the Taylor River, on which we made Camp 21, at the edge of a flat, swampy glade, about one and a half mile long, northeast and southwest, by half a mile wide, in which was plenty of very poor grass.

The camp was in heavy timber, on the skirt of a steep hill, and was a very poor one for stock. The glade was surrounded by dense spruce-pine timber, and ended in a rocky cañon at the northeast end, down which our trail led to Taylor's River. The bed of the stream in this cañon was filled by enormous bowlders, and the sides were covered by the charred remains of a burned forest. At a sudden turn in the trail we found ourselves on the side of a hill, overlooking the valley of Taylor River, into which we descended, making Camp 22 on the main stream, about one mile above the mouth of the creek, from out of Red Mount Pass. We staid a day or two in this camp, while I made arrangements for my scout to go to the head of Taylor River, and to give Professor Hawn an opportunity to visit a mining settlement on a spur of the main range, about two miles above the cañon, and for Mr. Hine to visit and photograph the cañon.

Prout's scouts.—At Camp 22 I turned the party over to Mr. Bassel, with instructions to continue the line, awaiting my return at mouth of South Arkansas, unless I joined them sooner. With Thornton I started up the Taylor, endeavoring to reach Tennessee Pass by some of the waters of the Grand, being encouraged by the fact that an old trail leads up the Taylor, and the Taylor slope of the pass looks practicable. We marched rapidly up Taylor, and for a mile or so up West Fork upon a plain, and open old trail, which turned to the right, up a tributary of West Fork. The gulch of this tributary lies in timbered hills, at the

base of a spur of Elk Mountains. At the head of the divide, a long grassy ridge, with elevated knobs. From the summit we could see a stream flowing northwest, and heading one mile to our right, directly opposite the Middle Fork. A well-marked trail could be seen going down this stream till it entered timber. While making the necessary detour along the summit we found a little snow, and on it were seen three white mountain grouse, very shy. We shot one. It was a perfect beauty; somewhat larger than a domestic dove, small head, short, strong beak, plumage dusk gold and gray, mottled on head, neck, back, and base of wings, elsewhere pure white, tail rather long, feathers to toes, eyes pink, runs very swiftly, meat very dark but of exquisite flavor. From this summit we could see that we were at the base of Elk Mountain, and that this ridge is the connection between Elk and main range. To the left it splits, one spur sweeping down parallel with Taylor till cut by the cañon thereof, and joining main range near the head of Quartz Creek, the other spur continuing along toward the head of Slate, as main Elk divide. This portion is extremely rugged. Many of the highest peaks seem stratified, cut down into forms of incredible wildness and boldness. We descended on to the stream mentioned, and quickly entered dense spruce timber, well grown. The descent is rapid. Trail bears unmistakable marks of having been used by men, but not recently. Found considerable fallen timber in places. Stream runs in a steep, narrow gorge, with no bottom-land, and dense timber to water's edge. We traveled as fast as possible, making about 24 miles, and established Camp 1 at 7 p. m., then dark, in a small opening, where the timber had been swept away by a snow-slide.

About two miles below Camp 1 is the junction in a small valley of our stream and one coming down farther west, which we call Big Fork.

Our Brook is about five feet wide, clear and swift, with bowlder bed. Big Fork is ten to fifteen feet wide, a clear, swift, fine volume of water, bowlder bed. The rock exposed so far is syenite, quartzite, and coarse feldspathic granite. Sandstone bowlders are now found in the streams. Up to this point the trail has been bad in the narrow, steep valley, densely timbered from crest of the mountains, 1,500 feet high, to the water's edge. Passing down the small valley we found it remarkably pretty. The mountain slopes are covered with bunch-grass in all the glades and gulches. Here and there timber meets at the water, but there is mostly a belt of one-fourth to one-half mile of grassy slope. Wherever there is any level bottom it is flooded by beaver-dams. Signs of elk and deer abound. Still no signs of recent travel on the trail. All cutting at least three to four years old, and little of it. No sign of fire anywhere within a less time than three years. The hills on the west begin to show strata probably of sandstone, but much cut down, taking irregular and picturesque forms. Opposite Moon Camp the mountain-side reveals a wonderfully pretty picture. The aspens grow high up, turned in patches yellow and red, pale here, vivid there, pale green of unfrosted foliage, and deep green of spruces scattered in clumps everywhere. Through this the red, brown, jagged cliffs come out here and there, and one solitary rude peak stands high and sharp over all.

As far as the valley of the junction with Roaring Fork the scenery and general character of the route remain much the same during the descent of Our Creek. We passed one tributary coming in from the southwest, and were compelled to avoid a cañon of 300 to 400 feet in depth, through which Our Creek passed. This cañon was formed of dark red sandstone. We then, before long, enter a valley where four forks unite with each other. That coming down west of Ours is about

its size, *i. e.*, 25 to 30 feet wide, of slight depth, swift and clear, bowlder bed. The head of the valley is here; below, it continues about eight miles, where the Sandstone Mountains close in, and there seems to be a cañon, seen from above, 500 feet or more deep; not a box. The valley is level. Much sage; little grass; sage uncommonly large. To the left, as we descend, are sharp, barren foot-hills of the Elk, much cut by water-ways. These hills, as seen, rise from 200 to 400 feet above the valley. On the right are mountains 2,000 feet high. I judge this to be the Roaring Fork, and the mountains are the spur from the main range between Roaring Fork and Eagle. On the right, for miles, are seen two perfect water-benches, sharply cut and broad on top.

The lower is perhaps 50 to 75 feet above the top of present cañon, the upper about one-half that distance above the first. Did not observe those on left, but saw distinct bench somewhat lower. Had occasional glimpses of Elk Mountains and peaks of main range.

I now determined to descend no farther, but to strike eastwardly for the main range and the pass.

We retraced our route and crossed the Roaring Fork about one mile above camp; found plain trail up north bank, turning to the left up a deep, narrow gulch. Gulch narrow, sides very steep, in sandstone hills, 1,000 feet high, heavily timbered. Four miles from camp, trail turns to the right and climbs steadily for 1,500 or 2,000 feet up the face of a sandstone hill, with much broken rock and sparse vegetation. On top we found a broad plateau with timbered ridges crossing it, dividing various heads of tributaries of Roaring Fork. Passed about four miles across this plateau over bunch-grass of finest quality and great quantity, through a spruce forest with much fallen timber, and crossed a tributary of the Roaring Fork, probably that which empties four or five miles below Camp 3. Then traveling northwardly about three miles we came to the crest of a ridge, from which the ground fell fast to a large stream, perhaps the Eagle, thought by Thornton to be a branch of the Roaring Fork.

The descent to this stream was very steep and perhaps five miles long, and covered with a dense mass of fallen timber. With before us the certainty of a very difficult march to this stream, and with the possibility after reaching it of being compelled to go down and make a long detour, or to cross the ragged mountains to the north of it, and with the necessity of quickly reaching the party, I concluded to abandon the scout here and retrace its seventy miles.

The trail was very dim, and had often disappeared. On our return we lost it. We found ourselves in a dense spruce wood, and were kept to the left of our route by much fallen timber. Just at dark we struck the head of the gulch, by which we left the river in the morning. Followed down the western side of this gulch till long after dark, but found no water nor place level enough to picket our animals. The hill-side was extremely steep, with broken angular masses of sandstone, fallen timber, scrub-oaks and other brush, and the night as dark as a cloudy, moonless night could be. We led the animals along this slope from fifty to one hundred and fifty feet above the bottom of the gulch; one pack-mule once slipped and rolled to the bottom, but we got him up again. Finally found a little bench affording standing room for animals, and camped without water or grass. Our return was over the same route, and the monotony was varied by a day's ride through a soaking rain, and the crossing of the divide back to the Taylor in the midst of blustering snow-squalls. We descended the Middle Fork of the Taylor, and found it no better than the route by which we ascended. Within

three or four miles of Camp 22 we turned to the left across foot of the spur into the gulch of Red Mountain Pass.

Red Mountain Pass.—Approaching the pass from our Camp 22, the ascent for a distance of about four miles is not very steep and the trail is good. One mile from camp the trail crosses "Pass" Creek, and thence continues up the left bank of the stream for about three miles, where it again crosses to the right bank, entering very dense pine timber. Thence for a distance of half a mile the ascent is easy, and then the trail rises suddenly on the hill-side, and is very steep, rising fully seven hundred feet in half a mile or less. There is no dangerous place, and it is in timber for the greater part of the ascent. After leaving the timber the ascent is still steep, but less so, and the trail becomes gradually more and more level until the summit is reached, where there are two or three small ponds.

From the brow of the hill above timber a grand view of Taylor Valley is obtainable, but nothing can be seen westwardly from the summit of the pass, which is a steep walled cañon, having its axis N. W. and S. E., the trend of the valley below being S. S. W.

From the point of view indicated is seen Taylor River and mountains west. The pass is one of the highest and ruggedest yet seen on the expedition. On either hand rise great snowy peaks, cut by gulches, bare of vegetation, and having the sharp-curved crests shown in most of these high ranges.

On September 20 there was about an inch of snow on the pass, the first this season. The summit of the divide is parallel to the general course of the valley of the Lake Fork, and is part of the right wall of that valley. Standing on this summit, and looking in the direction of the trail from Taylor, the line of sight is square across the valley of Lake Fork, and the descent is down the steep side of the mountain, a fall of over eight hundred feet being made in less than twenty-five hundred feet, to accomplish which the trail is zigzagged, and is in places very boggy, and difficult for pack-animals, a great deal of water coming out at the foot of the mountain. The first view of the valley of the Lake Fork is dreary, but little timber, poor grass, and dense scrub willows in the bottom.

Near our Camp 23, which was distant about three and a half miles from the summit, there was a little grass, sufficient for our stock for two days, and this, with a small glade eight miles farther down, were the only good camping-places between the summit and the lakes. Here and there in the bottom, at the confluence of torrents, were some patches of fair-sized spruce-pine, but most of the timber was small.

About 400 feet up the mountain-side, on the right bank, is a very well marked water-line, denoting level of former lake, of which present lakes are the remains. The valley of the Lake Fork is generally rugged and narrow, more especially for the distance of three or four miles above the lakes, where the stream runs in a bed of huge bowlders, and in one place under a picturesque natural bridge of rock. Camp 24 was on the shore of Upper Lake.

Twin Lakes.—The Twin Lakes are two beautiful sheets of water, about four miles in joint length from east to west, and a mile and a quarter in greatest width, the upper lake being the smaller.

About half a mile above the lakes the valley of the Lake Fork opens out, leaving a flat, stony, willow-covered bottom, which, a little farther down, (near the lake,) changes to grassy swamp. The mountains on the right bank maintain their line to the eastern end of the lower lake, and then fall away southwardly, forming the right side of the

Arkansas Valley. The mountains on the left bank turn abruptly northward near the west end of the upper lake, and fall toward the Arkansas in a series of low, rolling ranges, the whole forming a triangular valley with sides apparently seven or eight miles long.

The lakes are beautifully clear, and abound with very large trout. I was informed by a settler living in a large, handsome house, on the bank of the lower lake, that ice forms 3 feet thick in winter. Our Camp 25 was on the river, between lower lake and Arkansas. About a mile and a quarter below the lower lake the Lake Fork joins the Arkansas, which runs southwardly in a valley about 7,000 feet wide, the river running close to the eastern side.

Arkansas River.—The valley gradually contracts, until it is nothing but a narrow gorge below Granite City. About two miles below the junction of Lake Fork our trail entered the cañon of Cacti Creek, in which were placer-mines, and this was followed for about a mile to Granite City. The mountains on the east or left bank were rugged and of syenitic formation. On the right the mountains of the main range, the foot-hills of which compose the valley of the Upper Arkansas. They break down into rounded, low hills and plains, covered with a loose, gravelly soil, many bowlders underneath, as is shown where the soil is cut through by the action of water. Gold is found in all of these mesas, but not in paying quantities. Some washing has been done, but the "diggings" are nearly deserted. On Cacti Creek is an extensive placer-mine, now abandoned, and a village nearly deserted.

Granite City.—Granite City is a mining-town at the junction of Cacti Creek and the Arkansas, and is the county-seat of Lake County. It does not appear to be very prosperous. From this town a very excellent wagon-road has been built down the valley to Cañon City, in many places cut out of the solid rock, and in others built of bowlders under the cliff in the torrents of the river. It is a creditable monument to the enterprise of the citizens of the vicinity.

From the upper end of the Twin Lakes to Cañon City the road is good and practicable for wagons without exception.

Below Granite City the valley for a distance of about five miles is very narrow, generally a mere cañon, with scarcely room for river and road. Below this the valley opens gradually, and at our Camp 26, about six and a half miles below Granite City, the valley was about 2,000 feet wide, the river running close to its eastern side. I overtook the party at this point. From Camp 26 to 27 was a distance of nine miles, the valley becoming wider as we descended, until at Camp 27 it was about two miles wide, nearly level, cut by shallow gullies. Soil thin and gravelly. Little grass; that poor, and sparse growth of piñon. Fair crops of oats, barley, and potatoes are raised on the small portion which is cultivated. On the east of the valley is the spur dividing Arkansas waters from the headwaters of the South Platte, a low range, 800 to 1,200 feet, sparsely timbered, with rugged slopes of bare, broken syenitic rock.

Cotton-wood Creek.—Camp 27 was on Cotton-wood Creek, in a thicket of cotton-woods perhaps a mile wide, extending across half of the valley. These cotton-woods were 30 to 50 feet high, but twisted and of no value as timber. Good grass and fair water. Cotton-wood Creek is a clear, cold mountain-stream about twelve feet wide, one foot deep, and swift, with bowlder bed. For six miles below Camp 27 the valley is about two miles wide, and has the same general characteristics. The river runs under the eastern mountains for about two miles, and then runs in the middle of the valley. At the point where the river recedes

from the eastern mountains the road crosses to the left bank by a good truss-bridge. Sloping down directly from the mountain's foot is a mesa of variable width to three-fourths of a mile. This breaks down with a pretty steep slope of about twenty feet vertical descent. Another mesa breaks down with another bench to the present river bottom. These mesas mark remarkably well the old lake levels. They are nearly barren, with many large bowlders, and very little grass or other vegetation. Where Chalk Creek runs down, there are on either side ridges running down to the river, making a basin of considerable width, and also at Brown's Creek. From the sixth mile below Camp 27 the valley gradually widens, until it is fully three miles across. Fourteen miles below Camp 27 the hills close in, and the river runs in a low cañon. These hills are rocky and covered with small piñon. Just above Camp 28 the river flows through a cañon having one wall of about 200 feet; often lower.

Chalk Creek.—River here 100 feet or 150 feet wide, swift, with bed of large, smooth bowlders, and depth of three feet. Immense growth of cactus, and but little else. Chalk Creek is twenty-five or thirty feet wide, a brisk volume of water, with a grist and saw mill, and thrifty-looking house. The creek comes out of main range by a gorge or cañon, and there seems to be a very low pass by it, but probably it is a difficult one, as it is not used. On Brown's Creek are several ranches, on which the farmers were cutting wheat September 24. The straw is small and looks very green. Our Camp 28 was on the river near forking of the road down the Arkansas and that leading over the Puncho Pass.

September 25.—Mr. Bassel and Lieutenant DeLancy here left us with an escort, and a party consisting of Mr. Bassel, Mr. Austey, and Mr. L. Hawn, with instructions to run the line at least as far as Kerbu Creek, in Homan's Park, and, if practicable, to the Musca Pass line, then proceed to Fort Garland and discharge the party. From Camp 28 our line was run down the left bank of river along a mesa, sloping slowly to the river front of foot-hills on the spur running down northeast of Arkansas. The valley on the other side is closed by broken and timbered face of mesa between Arkansas and South Arkansas. The valley is here triangular, with sides about 5 or 6 miles long, and the openings of Puncho Creek and the river above and below in the angles. Bottom looks pretty fertile, where irrigated, but that portion crossed by us is a barren plain of sand and cacti. Considerable stock were running in the valley, but they require a large range. There are several ranches in the valley.

On the south is seen, just west of Puncho Pass, the base of the Sangre de Cristo spur, marked by several high peaks, rugged and timberless for 1,000 feet. Just above junction of the South Fork the wagon-road crosses to the left bank, and a mile below enters a cañon, at the upper end of which was our Camp 29. The southwest wall of this cañon is formed by the foot-hills of the Sangre de Cristo range, and the northeast wall by the foot-hills of the range between the Arkansas and South Platte. The summit of the Sangre de Cristo range was seen at times through a gulch, being about five or six miles distant. The summit of the spur between the Arkansas and South Platte was not recognized; perhaps, however, it was the line of hill-tops seen from the trail. This cañon exposes, first, trap or basalt, then a stratum of compact gray limestone, afterward an immense stratum of dark-red, coarse sandstone, with here and there a thin layer of lime. The cañon is close, but not a "box" cañon. Hills seldom open out, and never to give any bottom.

The slopes are extremely rugged, with small, sparse piñon and a little scrub-oak. After the first 3 miles gramma-grass is found in sufficient quantities for a few animals. Occasional brooks come in. River 100 to 150 feet wide, swift, deep, and turbid, often flowing through narrow throats or "dalles" of sandstone. At 1½ miles out found a thrifty-looking cabin, put up by a man named Rich, who has found and located a vein of copper-bearing quartz, said to be rich, and he is preparing to work it. A mile below camp the river cuts through sandstone in a sharp S-curve, running in a deep, close gorge. Great strata of red and gray sandstone, dipping at all angles, and cut down in gulches, make a very picturesque place, the cañon being here 300 or 400 feet deep.

Badger Creek.—Camp 30 was made on the left bank, at mouth of a small, brisk creek. Badger Creek coming in from hills on the north, having a small park, fair grass, and plenty of wood and water at its mouth.

Much work has made an excellent wagon-road through this rough country. A quarter of a mile below Camp 30 the hills close in again for about a mile, and then open out into a valley about half a mile wide at the upper end and eleven to twelve miles long, apparently an old lake-bed. As the river winds through the valley, it leaves one side or the other a gravelly mesa, sloping from foot-hills to the river-bottom. The river-face of this mesa is about 25 to 50 feet high, sloping sharp to the river-bottom. This bottom is about 500 feet wide and fertile-looking. Several ranches, with fields of grain, wheat cut, and oats standing; one small field of cut corn was seen, which looked worthless. This is known as Pleasant Valley, and ends at the cañon of the Arkansas, where it is about a mile wide. We made Camp 31 at the south end of Pleasant Valley, on a small creek flowing from the southwest, "Spring Creek." The river turns to the northward into a granite ridge, perhaps 700 feet high, and about a quarter of a mile below Spring Creek enters by a small cañon, and a quarter of a mile farther a dry gulch comes in from the right. Here the walls of the main cañon are about 200 feet vertical height, of compact red granite strangely striated with waving lines of basalt. These walls are vertical in few faces, but broken down in steep, irregular, jagged slopes. Total depth, 500 to 700 feet at entrance, but it evidently drops off fast into lower hills. A picturesque place, but not large enough to be impressive. My inspection was hurried after a day's work on the line. Spring Creek, at Camp 31, is about 10 feet wide, swift and clear; in its gulch is fair grass, and a thick growth of scrub-oak, cotton-wood, and choke-cherries, with much rhus toxicodendrum, or wild clematis. Immediately beyond the road rises into the ridge of granite hills forming the lower barrier of the lake, now Pleasant Valley, cut through by cañon. These extend from the ridge all the way along the northeast of the river around into the foot-hills of the Sangre de Cristo range. They are masses of water and weather-worn granite, red and coarse-looking, like piles of great bowlders, and have a soil supporting sparse growth of piñon, &c. The wagon-road is excellent from the good bed naturally, and from a great amount of work having been done on it. Marched about ten miles by the line, but probably twelve by the road, as it winds among the rugged hills in a most devious course. For five miles we passed over hills extending from the range to the cañon of the Arkansas, and evidently continuing of the same character back to the divide northeast of the Arkansas—that is, loose, rugged hills of broken granite and basalt, nearly barren, except for a little piñon, gramma, and scrub-oak, cut by deep, steep gulches, running down toward the river, formidable to traverse, and worthless. A

little stock runs in these hills, and an occasional cabin is found in the gulches. Beyond a brook known as Oak Grove Creek, distant about four miles from Camp 31, we rose to a mesa sloping from the mountain to the junction of Texas Creek and the Arkansas. This mesa was cut by shallow gulches, and afforded grass for some stock, little, however, back toward the mountain. This mesa was beautiful with yellow and scarlet autumn foliage on sunny slopes, but these slopes are, doubtless, rugged and barren.

From this mesa we turned left, leaving the upper end of Wet Mountain Valley on our right, one or two miles away, and descended to the gulch of Texas Creek. The mouth of Wet Mountain Valley is one or two miles wide across from hills east of Texas Creek to Sangre de Cristo Mountains. Texas is a creek of 30 to 50 feet wide, clear and swift. There is a large saw-mill where the road strikes it, and a ranch (Lamb's) half a mile below, at which place we made Camp 32, in poor grass.

From Camp 32 our course lay up a dry gulch winding up through the rough hills, which seem to lie between Wet Mountain Valley and the river, passing out, in about three miles on, to a flat mesa country with gravelly surface and cut by deep gulches. Kept this for six miles, when we entered Webster Cañon, a steep, narrow gulch of granite and trap, very rough and having a dry stream-bed. In the cañon were seen wild hops, clematis, choke-cherries, currants, some scrub-oak and long-leaved pine. About a mile and three-quarters above Camp 33 the cañon is contracted, forming Jenkins's Gate, a cleft through a spur of rock which once closed the valley. Here the opening is about 150 feet wide at top and 50 feet high; walls vertical.

From Jenkins's Gate to Camp 33 the cañon is nearly a box one. Camp 33 was made at a point where the walls of the cañon fell back and opened out as steep rounded ranges, in which a little poor grass was found for our stock.

From this camp our road was up a branch of the cañon, which, in about four miles, brought us out on a high, waterless, broken mesa, sloping from the Greenhorn range toward the Arkansas. In the cañon by which we rose to this mesa we saw the round-leafed cotton-wood of the Missouri Valley, tall cacti, and oaks about 25 to 30 feet high. The road was over the mesa country in a nearly due north course for about four miles, when we reached the Arkansas at a point where its cañon breaks down the road, here crossing to the left bank by an excellent truss bridge, near which we made Camp 34. Near to this camp, on the slope in a bend on the right bank, was a well-improved farm, at which we were able to purchase much-needed fodder for our stock.

In the hills near the bridge, and in the cañon below, strata of very white sandstone are exposed.

We crossed the river at Camp 34, and passed up a steep, narrow gulch out on to a mesa extending from the spur, at the extremity of which is Pike's Peak, to the cañon of the Arkansas. About five miles above Cañon City the road enters a shallow, wide, flat-bottomed gulch, close to a range forming the north boundary of the mesa, in which is a stream. The sides of this gulch expose deep ledges of limestone, one to two hundred feet thick, having an easterly dip of about 10°. At a point about four miles above Cañon City, the sides come close together, forming a box cañon about 50 feet deep and 400 or 500 feet long. We followed this gulch down to the Arkansas at its exit from the cañon about a mile above Cañon City, making Camp 35 on the bank of the river. From Cañon City there is a macadamized road, and graded road-bed for railroad, down the valley to Lebran, where the Denver and Rio Grande

Railroad is struck. The existence of these and the land surveys makes it unnecessary to describe the country further. The party reached Pueblo on October 3, and on the 4th was broken up.

The report of Assistant James Bassel on the Musca Pass and Puncha Pass are appended.

H. G. PROUT,
Assistant in Charge.

SUB-REPORT ON MUSCA PASS AND PUNCHA PASS LINES.

FORT GARLAND, COLO.,
August 20, 1873.

SIR: In compliance with your instructions of the 12th instant, I have the honor to submit the following journal as a report of my operations from the time of our leaving this post on that day until our return on the 19th instant:

August 12.—Left Fort Garland at 9 a. m., with the line passing around the base of Sierra Blanca Mountains on the road to Musca Pass. For the first mile or two the road passed over a dry, flat, gravelly desert, covered with a growth of prickly pear and stunted sage-brush. Thence over a more elevated and slightly undulating country of the same character as to vegetation, but more sandy, and cut up at intervals by arroyas running down from the foot-hills into the desert—the foot-hills of Sierra Blanca, half a mile to the right of the road, covered with a thick growth of cedars and piñon pine. Made first camp seven miles from Fort Garland at one o'clock p. m., near some springs, just north of a dry bed of a stream, the course of the latter being indicated by a belt of cotton-woods from a point a little to the west of the road back into the foot-hills of Sierra Blanca. There was a depression or valley on each side of the dry bed of stream a mile in width, and on the north side was a slight rise in the country for half a mile, and then a depression in which the springs were situated; wood and water enough, but of inferior quality, while grass was abundant and of fair quality over a bottom a mile in width, extending from the foot-hills out into the desert of San Luis.

August 13.—Broke camp at 6.30 a. m.; country of much the same character as the day previous, except that, being near the foot of mountains, there were more rocks scattered over the country, while in places there was heavy sand, with a more vigorous growth of sage-brush, and the road crossing frequent arroyas; made nine miles and a half, and found stream running down from the mountain into the desert. Water is not found here usually as far from the mountain as the road, and at this time it sinks about a mile to the west of the wagon-road.

Camped at 11.30 a. m.; on this stream grass very scarce; plenty of wood and water; saw six antelopes during the day and one mountain sheep near the camp; game must be abundant, judging from the signs found on the sides of the mountain. During the day's march could see the belt of timber marking the course of the Rio Grande River more than twenty-five miles to the west of our route, the view over the San Luis Valley and of the mountains surrounding it being very grand indeed; unable to get azimuth to-night on account of clouds; storm, accompanied with lightning and thunder, on the Saguache Mountains and on the mountains west of the valley; no rain at our camp.

August 14.—Broke camp at 7 a. m.; marching over a country closely resembling that passed over yesterday; down in the edge of the valley,

a mile or two to the left of our route, there appeared to be springs breaking out in many places, much improving the desert appearance of the country over which we were traveling,

Our road appeared to lead across an incline plane running down from the foot of the mountain to the edge of this grassy plane, which is probably very boggy in places on account of the water which must run down into it, and for which there is no visible outlet on the surface of the ground. Four miles from camp crossed a stream called the Zapato Creek, which is lined with timber from the mountains out into the plain, a mile to the west of the road, where the water finally sinks in this spongy reservoir. A mile north of this creek the road became very sandy, and continued so for six or seven miles, when our course turned a little more to the east, bringing us nearer the mountains on a higher and less sandy country.

Off to the north and west of us was a very peculiar line of sand-hills, two or three hundred feet high and from ten to fifteen miles long, and from six to eight miles in width. Their appearance would indicate the combined action of wind and water in forming them. At 2 o'clock p. m. arrived at the Musca Creek, which flows out from the Musca Pass, running down to the foot of these sand-hills, where it unites with another small stream, coming out of the Sand-Hill Pass five or six miles north of the Musca Pass, and running around the eastern end of these sand-hills.

Both sink in the sand at the foot of these sand-hills. Camped at the mouth of the Musca Pass, having made eleven miles; wood and water abundant, but grass very scarce. In company with the guide rode through the pass this evening, and concluded that it would be possible to get our wagons through by repairing the road in places; very cloudy this evening, which continued throughout the night.

August 15.—Weather very cloudy and threatening. Broke camp at 7 o'clock a. m. and started through the pass. After hard labor on the part of all hands and the mules we made about a mile, when the wagon upset. It being then about 2 o'clock p. m., and beginning to rain, pitched camp in the cañon near the scene of our misfortune. Heavy showers fell soon after going into camp, which continued at intervals during the afternoon and night, preventing our obtaining azimuths. Had to send the mules up to the summit of the pass for grass, where there was abundance of it, about two miles from our camp; plenty of wood and water where we camped.

August 16.—Morning broke tolerably fair, only a few clouds being visible; determined not to attempt moving camp, but have the line run through the pass on to the head of the Huerfano. The line was run seven miles over on to the head-waters of the Huerfano and tributaries of the Muddy Creek, and stopped at the head of a cañon leading down to the valley of Muddy Creek, which empties into the Huerfano from the northwest about two miles above Badito, at Mr. Moore's ranch. Turkey Creek rises in the Greenhorn Mountain and empties into the Huerfano, on the same side, and five miles below the mouth of Muddy Creek. Muddy Creek rises near the divide between the Huerfano Park and Wet Mountain Valley. The Huerfano itself rises among the high peaks of the Sierra Blanco, north side. The country from the Musca Pass down into the valley of the Huerfano is very singular and very beautiful. It is a series of narrow, grassy slopes, with ravines containing small streams between them, extending from the mountain four or five miles, and then breaking down more or less abruptly a height of 300 or 400 feet on to the plateau, covered with cedar and piñion pine, and

wide, open, grassy glades between these thickets of timber, the whole sloping gradually down to the valleys of the streams. This seems to be a fertile and well-watered valley, with plenty of timber, and a very abundant fall of rain, for it was raining in the valley almost every afternoon.

Pass Creek is a stream emptying into the Huerfano from the south, about six miles above the mouth of Muddy Creek, and rises just west of the Sangre de Cristo Pass. At the head of this creek is a pass more than five hundred feet lower than the Sangre de Cristo, and far better suited for a wagon-road to Fort Garland than the latter, over which the road now passes, and probably much superior to the Veta Pass for a road practicable at all seasons of the year. A good wagon-road could be built over the head of Pass Creek with very little expense. But in view of the probability of the establishing of a military post on the Upper Rio Grande, and probably another in the Cochetopa Pass also, the Musca Pass is the one through which a road should be constructed for the supply of these posts. Ths Ute Indians always go through this pass in going east or west. I caused a careful barometric section of this pass to be made, which showed that it was about 300 feet lower than the Sangre de Cristo, with approaches very much better than the latter-named pass. A good wagon-road could be constructed through this pass at small cost, and would be thirty-five miles shorter in going from Badito to Loma or Del Norte than by the present traveled road, via Sangre de Cristo and Fort Garland, and a saving of sixty miles to the Cochetopa over the present route just mentioned.

Received orders this evening to return to Fort Garland at once, which prevented the continuation of our line into the valley of the Huerfano, as contemplated. Weather still cloudy.

Sunday, August 17.—Had the wagon taken to pieces and set up preparatory to moving out of the pass the way we had entered; packed our necessary baggage for camping over night down to the mouth of the pass, and got the wagon, with the remainder of the baggage, down in the morning.

The clouds fortunately clearly away this evening, and we obtained azimuth for the first time since leaving Fort Garland.

August 18.—Got the wagon out of the pass this morning without further trouble, and broke camp at 8.45 a. m., making twenty miles by 3 o'clock p. m., and camping where we made our first camp on our outward march.

August 19.—Went into Fort Garland this morning, arriving at 9 o'clock a. m.; reported and went into camp on Ute Creek, half a mile from the post.

The usual meteorological observations were made, and all possible time and facilities given to the photographer for executing his work.

All of which is respectfully submitted.

JAMES BASSEL,
Second Assistant Ute Reconnaissance.

H. G. PROUT,
Civil Assistant in Charge Ute Reconnaissance.

FORT GARLAND, COLORADO TERRITORY,
October 2, 1873.

SIR: In compliance with your instructions of the 24th September, 1873, I have the honor to submit the following journal as a report of my operations from the time of the separation of the party at Camp No. 21,

on the Arkansas River, up to my arrival at Fort Garland, on the 1st of October.

September 25.—Left camp this morning at 6.30 a. m., and ran the line down the south side of the Arkansas River for three miles; then turned off to the south, leaving the river and crossing a ridge or mesa covered with piñon pine and cedar; thence down to the South Arkansas and across that stream at the mouth of the Puncha Creek; then up that creek about two miles, when the wind, which had been very annoying since noon, began to blow so hard that it was almost impossible to work with the instrument. So the line was stopped, and the party proceeded to camp. About five miles farther on, near the summit of Puncha Pass, ran about nine miles of line, stopping at 2 o'clock p. m.

The character of the country was much the same as that which we had been passing over for some days previous, except the Puncha Creek, which was a narrow cañon, with rocky hills and a scrubby growth of timber on each side of the creek.

September 26.—Camp was not moved to-day; the line was run up to and two and a half miles beyond camp, about two miles beyond the summit of the pass.

A splendid view of the San Luis Valley and of Sierra Blanca Mountains was obtained from a hill a little beyond the summit to the left of the road.

September 27.—Moved camp, and ran the line on down into the valley a mile beyond Kerber Creek on the San Luis Creek, making from our last camps about fifteen miles; the wind blowing so as to make it very annoying throughout the day. Got into camp about 3 o'clock p. m. Homan's Park is a myth as a park *per se*. When at the summit of Puncha Pass we were in the San Luis Valley.

The descent on the south side was much less than the ascent on the north side of the pass.

For further information would refer to the notes of the topographer, and to a barometric section from the South Arkansas to the level of the upper end of the San Luis Valley near Alder Creek, a small stream coming down from the hills to the west, and emptying into San Luis Creek.

There is an excellent wagon-road over this pass, which road extends on into the South Park and thence to Denver, and over which there is a very considerable amount of travel and freighting.

From the fact of the country being townshiped and sectionized from this point on the San Luis Creek on down the valley, and on account of the intensity of the wind in the valley and the sandy road over which we should travel in going to Fort Garland by the east side of the valley, I determined to stop the line at this point.

September 28.—Continued our march to Fort Garland by the east side of the valley, crossing San Luis Creek about five miles below our camp, and keeping along parallel with and two or three miles from the base of the Sangre de Cristo Mountains.

There are numerous creeks running down from these mountains and sinking in the sand at distances from the mountains varying with the season. The first of these which we crossed after leaving San Luis Creek was Cotton Creek, about two miles from the crossing of the former. The next, about nine miles farther on, was Rita Alto, where we camped.

September 29.—Continued our march, crossing San Isabel Creek five miles out, and three miles farther the Cristina, both dry at the crossing of the road, but nearer the mountain contained plenty of water, as also there was farther out in the valley, where it appeared to rise again.

Three miles farther we came to another creek, which we followed up toward the mountain, to water, wood, and grass, where we proposed to camp. But after waiting till late in the afternoon for our wagon we discovered that it had missed our trail and gone on. There being no water for seventeen miles, and sand a foot deep over a great part of the distance, we knew that a night march was inevitable. As our blankets and rations were all in the wagon, and we had eaten nothing since breakfast, and our animals having had several hours' rest and grazing, the best thing to be done was to move on. So at 5 p. m. we started. Fortunately for us there was a moon, and we could follow the road and the track of the wagon very well. But such a road for fifteen miles I never had seen equaled for the depth of sand.

We crossed the dry beds of three streams marked by skirting of cotton-woods in the first five miles, all containing water nearer the mountains. The road then conducted us over a sandy waste by the southwest of the sand-hills mentioned in the reconnaissance to the Musca Pass. About nine miles from the last of the three belts of timber passed we came to a fourth, marking the course of the stream coming out the Musca and Sand Hill Passes, which unite a mile from Musca Pass and sink at that point, so there was no water where we crossed it some four miles farther out in the valley. After leaving this skirt of timber the road improved a little, sand not quite so deep, and in a couple of miles crossed a brisk-running stream without any timber whatever, and a mile or two farther found the wagon at a similar stream, where it had stopped about dark, and where we found it at 10 o'clock p. m., after a most tiresome march of five hours.

The two last streams are from the mountains between Musca Pass and Zapato Creek, and sink near the base of the mountains, rising again from three to four miles out from the mountain, to the west of the road from Fort Garland to Musca Pass.

September 30.—Determined to go out into the valley to-day and ascertain if there was a lake there, and, if so, how large; so directed camp to be moved about five miles, to the crossing of Zapato Creek, where the road we were traveling intersected the one from Fort Garland to Musca Pass. After riding about five miles out into the valley, a little south of west from our camp, found some marshes and sloughs into which the stream that we camped on and had followed down emptied, and a mile farther south and a little west found the large lake, which is about two miles long and a mile wide. The water in the lake and in all the marshes is very alkaline. From the lake southwest, toward Sterrit's ranch, on the road from Garland to the Rio Grande, is a continuation of sloughs and marshes, as there are also toward the north and northwest, to the sinks of Saguache and San Luis Creeks.

Perhaps some information of importance with regard to this valley could be obtained from the plats and maps in the land-office at Pueblo, and in the office of the surveyor-general of the Territory at Denver.

A company enfranchised by the territorial legislature collect tolls and maintain a good wagon-road over the pass, the principal works having been done on the southern approach.

October 1.—Marched to Fort Garland, and, discharging rodmen Pimper and McIntyre, await transportation to Pueblo.

Very respectfully, your obedient servant,

JAMES BASSEL,
Second Assistant Engineer,

H. G. PROUT,
Chief Civil Assistant Engineer,
In charge Reconnaissance in Ute Country

ROUTES TO THE UTE COUNTRY.

It being deemed advisable to insert at this point a general view of routes examined, and also of all routes of which information has been gained in any reliable manner, the following brief description is believed to be reliable, and certainly is entirely unbiased by any other consideration than the desire to carry out the object of the expedition, namely, clear and truthful description.

San Juan mining district.—In view of the importance of the mining interests recently developed in this district, the subject of communication is of great importance. In the district opinion is divided, many favoring the opening of a road from Pagosa via the old Spanish trail to its crossing of the Animas River, and thence up the valley of that river by the trail by which we descended from Baker's Park. The weight of opinion, however, among those best qualified to judge, seemed to be in favor of a wagon-road being constructed from Del Norte up the valley of the Rio Grande, crossing the main range by the Cunningham Pass. Although generally admitted that as favorable a grade could not be had by this route, it is nevertheless possible to build a road practicable for wagons with light loads, and with a fair probability of the work being completed in a short time and at reasonable cost. This is certainly the shortest route and makes more direct communication with present outlets, which may be summed up as the Denver and Rio Grande, Atchison, Topeka and Santa Fé, and Kansas Pacific Railroads; the total distance to Pueblo, the present terminus of the Denver and Rio Grande Railroad, via Del Norte and the Sangre de Cristo Pass, being 226 miles; while by way of the Lower Animas and old Spanish trail via Pagosa and the Sangre de Cristo the distance is not much less than 300 miles.

Many of the miners in this region are speculating on the probability of a railroad being constructed across the mountains in or near Southern Colorado, and should a practicable route be found into the San Luis Valley a great many mountain-men assert that even an extension westward is possible near or south of the old Spanish trail. However this may be, I am certain that no railroad company which meant to pay dividends would ever do more than send one scout into the terrible country around Baker's Park, unless to build a branch road for mineral traffic up the valley of the Animas, and this would have to be constructed with very heavy grades.

From the country seen on our two expeditions I have no hesitation in asserting that a practicable east and west railroad route is not to be found in this region between Grand River, latitude 38° 30′ and 37°.

Since our return the wagon-road up the Rio Grande has been constructed as far as Antelope Park, with favorable prospects of a speedy completion across the pass into Baker's Park, the territorial legislature having granted the privilege of collecting tolls to the company formed by the miners of this region.

Passes across the Uncompahgre Mountains from the Rio Grande to Lake Fork and its tributaries.—The only two passes of which I have any knowledge are the pass at the head of Clear Creek, to the Lake Fork of Grand River, and a pass seen from this, which appears to be at the head of a branch of Clear Creek, (the one first crossed after leaving Camp 42 on Lake Mary,) and a stream on the western slope, which I suppose to be the head of the stream we named "Soda Creek." The first of these is described elsewhere in the report of our journey across it. The other one, which I shall name the East Pass, is described by a miner, who for a time acted as our guide, as a very low and easy pass on both sides of the mountains, with the exception of a short distance on the Clear Creek side, where the ascent is stated to be very steep. Neither of these passes would be of any utility for railroad purposes, as the only outlet westward would be down the stream to Grand River, and a shorter and better way of getting there would be by way of Cochetopa Pass. For scouts and military purposes both these passes may be classed as good ones, there being an abundance of grass and fuel, and the country is more open than usual in this region.

Without actual knowledge I am of the opinion that the eastern pass would be a near and good route from the Upper Rio Grande to the Los Pinos agency. A good wagon-road could be constructed over either pass at moderate cost.

Passes from plains to San Luis Park, Sangre de Cristo, Vita, Muddy Creek, Musca, and Sand-Hill Passes.—Of these, Sangre de Cristo is the only one I have traversed in its whole extent, and is so well known that a description is unnecessary. A practicable railroad route is said to have been located through the Vita Pass by the engineers of the Denver and Rio Grande Railroad, which indicates that moderate grades can be found through passes which, in their natural condition, are impassable for travel, as this is said to be. This remark also applies to the Musca Pass in so far as examined by us, through which an excellent wagon-road could be constructed at little greater cost than that of removing loose surface-bowlders and cutting away timber, as stated by Mr. Bassel in his report of survey of Musca Pass. This would be a much shorter route from Pueblo to Del Norte than via the Sangre de Cristo Pass, but only in the event of a road being graded across the swamp and sand of San Luis Desert.

The Muddy Creek Pass is that which trends against the head of Sangre de Cristo Creek west of the pass known as Sangre de Cristo Pass. The grade of this pass is stated to be much easier than by the Sangre de Cristo, the distance being somewhat greater.

The Sand-Hill Pass is much used by the Ute Indians; from the information I obtained I am of opinion that it is of little use for wagon-traffic, as it is very steep, and its southern outlet in San Luis Park is completely estopped by the sand-hills.

Cochetopa Pass.—I have no doubt but that a practicable route for a railroad could be found crossing the main range at or near this pass, which is the lowest and has the easiest approaches on both sides of any we saw in this region.

The most difficult portion of this route seen by us would be that between the junction of the Tumitchi and Los Pinos Creeks and the Cochetopa River. Down the valley of this river to its junction with Taylor (below where it is known as Grand River) there is no obstacle whatever. The country beyond is described in the report of Gunnison's expedition.

Passes from the Valley of the Arkansas to the head-waters of Grand River and via the Puncha Pass to San Luis Park.—The only pass from Grand River to the Arkansas Valley examined by us is the Red Mountain Pass, between the Lake Fork of the Arkansas and a small tributary of Taylor River. This pass may be briefly described as impracticable for anything except saddle and pack animals, and impassable in the fall and until late in the spring.

The Puncho Pass, from the valley of the South Arkansas to Homan's and the San Luis Park, affords easy communication, a substantial bridge having been constructed across the South Fork of the Arkansas at the entrance of the pass, and a good wagon-road extending for about seven miles to the summit. The cañon of Puncha Creek, along which the road extends, is narrow and tortuous; the creek is small and is bridged in

several places. On the south the road is good and the descent is easy into Homan's Park, which is merely an extension of the San Luis Valley. The best grade on the northern approach is about 240 feet per mile.

The route to the west extends by a first-rate road on the west side of the park to Saguache and the Los Pinos agency.

To reach Fort Garland by this route, following down the margin of the park to Del Norte and thence east, is preferable to attempting the shorter line direct from Homan's Park through the sand-hills to the east end of the park.

DONALD W. CAMPBELL, *Assistant.*

APPENDIX A.

Description of instruments and methods.—The instruments were the odolites by Alve, of Saint Louis, 5-inch limb, two Verniers, reading to 20″; their telescopes were 8½″, focal length 1⅛″, aperture provided with a limb for reading vertical angles read by a Vernier to single minutes; these were fitted for use as stadia instruments by inserting vertical and cross hairs. There were three of the latter, giving two unequal intervals. For each wire interval a stadia rod was graduated independently. Each rod was graduated by ascertaining the space covered on it at a distance of 1,000 feet, by the wire interval for which it was to be graduated, and subdividing this space with points for each five feet. The several rods were graduated to measure extreme distances of from 1,800 to 2,600 feet, and were read by the instrumentman. The stadia instruments served to determine the linear distances; the direction of the line was kept by instrumental azimuths, the magnetic bearings being always read as checks. The azimuth was carried forward by taking back-sights and fore-sights at each station. The stadia rods served as signals for the back and fore sights, and the length of each course was read from each end when the fore and back sights were taken for azimuth, and the mean of the two readings used for the length. Whenever there was a marked difference of level between two consecutive stations, the angles of elevation or depression of the telescope was read at each station, and with the mean angle the horizontal distance was obtained by the aid of the valuable tables computed by Noble and Casgrain. The results obtained with these instruments were, as a whole, good, the closing being small even on long lines; for instance, the two separate lines run from Pueblo to Fort Garland differed only thi ty-eight hundredths of a mile from each other in a mean distance of 81.33 miles. Their chief defect was the smallness of field and deficiency of power, making their use a severe task to the eyes and requiring an unnecessary number of sights in open country.

It is thought that the same instruments, mounted with larger and more powerful telescopes, and used in conjunction with a double target-rod of a pattern similar to that known as the "New York" rod, and brightly painted for self-reading, on near sights, would give still better results than were obtained. There is no doubt that, in a rough, mountainous country, carefully-made stadia-measurements are far more accurate than such as can be made by ordinary chaining with ordinary chain-men, and when the chain-men are very ordinary, as is too frequently he case, the superiority of the stadia is very great.

Considerable differences in results in damp weather were observable where the cross-wires were not made from the web of the "wood-spider," as was the case with these instruments when turned out by the manufacturer, the wires of which were of the web of the common house-spider, and would lengthen and "sag" when we met with humid weather on the Arkansas. One instrument (the wires of which had been refilled with the web of the wood-spider) was much more trustworthy, and in this connection I think that it would be advisable to have the stadia-wires adjustable and not permanently fixed as these are, for in the event of an accidental breakage of wires the new wires could be easily adjusted to the rods, while had such an accident occurred on our expedition it would have been necessary to regraduate the rods, a tedious and inconvenient operation in such a country, if done permanently, and liable to change if done with colored chalks. An important consideration is to keep down the weight of the instrument, which has to be carried on the shoulder, on mule, or horseback over difficult and often dangerous trails and through miry forests, in which Government mules develop a penchant for crushing their rider's legs against tree-trunks. At these times the instruments must be handled easily to prevent their being broken. If it is possible, I think an instrument made of aluminum or aluminum-bronze would best meet the requirements of this service. Mr. Hamilton, a member of the firm of T. H. Whally & Co., instrument-makers, of New York, who have the repairing of the Government instruments at Willet's Point, described a French instrument captured from the rebels during the war and sent to them for repair, which, if it at all answers to the description given, would be invaluable for filling in details of these topographical surveys. As I understand, the instrument simply described is a telescope properly mounted, having its object-glass halved, the halves being of different focal length; when pointed to a distant object each half of the object-glass is so adjusted that the object is clearly seen through it, when the distance of the object is read off in meters on a scale attached.

APPENDIX B.

Geological observations made between Pueblo and Fort Garland, Colorado Territory.—Pueblo is situated in the valley of the Arkansas River, on the margin of the great plains of the West. The vicinity is underlaid by a deep formation of drift, beds of slate, shale, marl, and gray limestone. The bluffs of the river are low, have a common level, and indicate an ancient shore-line. The route to Saint Charles lies over undulating prairie, with the plains on the left. On reaching the Saint Charles River the underlying rocks were found to be of an ashy-gray, impure limestone, alternating with thin strata of shale or marl. In the bluffs is an exposure of ninety feet of these formations, extending down to the water of the river.

The upper strata would make building-material for ordinary structures and fencing; they contain a few *Inoceramus problematicus*, *Ostrea congesta*, and some small species too obscure for identification; and many fragments of what appear to have been a large *Inoceramus*.

The valley of Saint Charles is about ½ mile in width, and the stream too inconsiderable to be called a river.

The soil on the Mesa, between Pueblo and Saint Charles, is sandy, of a light-brown color, and at some places contains an excess of the mineral salts. A good growth of *Helianthus*, remains of last year's crop, indicates a good productive capacity when well watered.

In the valley of St. Charles are numerous farms, well cultivated and producing good crops of wheat, barley, rye, and oats. When there is a lack of rain the stream is used in irrigation.

One mile southwest of Camp 1 is a ledge of soft, black slate 35 feet thick; contains numerous large septaria, often three feet in diameter, which would probably make good hydraulic cement. Some of these concretions contain large, beautiful crystals of *calc* spar. This formation belongs below the series in the bluffs of St. Charles River.

Organic remains.—The same as yesterday, with the addition of a large *Ammonite.* The surface between St. Charles River and Muddy Creek is nearly ½ mile in width, the bottom somewhat undulating, with a few is broken into a system of deep, narrow valleys and ravines, well adapted to shelter stock, and good only for grazing. The valley of Muddy Creek farms above and below the line aided by irrigation.

From Muddy Creek to the crossing of Greenhorn Creek the equivalent of the solid formations observed in the vicinity of St. Charles River Valley occur, with additions, in the eastern bluffs of Greenhorn and its tributaries.

The slate is augmented in volume with the following additions, descending:

No. 1.—Twenty feet dark bluish-gray, shaly limestone, alternating with like-colored marly clays; containing *Inoceramus problematicus*, Pinna, and a few small shells not identified.

No. 2.—Two feet dark-blue, slaty limestone.

No. 3.—Seventy-five feet plastic clays and marl.

No. 4.—Two feet like No. 2.

No. 5.—One hundred and fifty feet slope with outcrops of slate.

From Muddy Creek to the crossing of Greenhorn Creek, a distance of five miles, the surface is much broken. The soil is good, but dry, and would require irrigation to make it produce, for which there are no facilities, except on the creek-bottoms, where a few farms are cultivated.

From Greenhorn Creek to Apache Creek, a distance of six and a half miles, the line crosses a level surface, the margin of the great plain on the east, and the Greenhorn range of the Rocky Mountains within twelve miles on the west. The soil here, too, is good, and, like that crossed in the first part of the day's march, is too dry, with no water for irrigation, but for grazing it is unexceptionable.

These conditions exist unaltered between Camps 3 and 4. Farms under irrigation are found in the Huerfano Valley. Grazing, however, is the principal element of husbandry, but the appearance of the flocks and herds shows that this is very poor. From Camp 3 passed over a series of outcrops similar to No. 5, of the last given section, but not sufficiently uncovered for a definite classification. In the mountain, however, 800 feet above these outcrops, I observed the equivalents of the gray limestone found in the bluffs of the St. Charles River.

The different formations hitherto noted may be approximately classified in the following order, descending:

No. 1. Ninety feet ashy-gray, impure limestone; the lower portions weathered, irregular fragments. Organic remains: *Inoceramus problematicus*, *Ostrea congesta*, a large *Ammonite*, and fragments of what might have been a large *Inoceramus*. Localities: In the bluff of St. Charles River; capping the high bluffs of Muddy Creek; along Greenhorn Creek and its tributaries; on the slope of Greenhorn Mountain range, 800 feet above the general level of the plain.

No. 2. One hundred and twenty-five feet black, brown, and blue slate, shale and marl, and large septaria, often two feet in diameter, and containing large crystals of calc-spar. Locality the same as the preceding, except the mountain-slope.

No. 3. Twenty feet dark-bluish-gray, shaly limestone, alternating with dark-blue, marly clays. Organic remains: *Inoceramus problematicus*, Pinna, and a few small species not determined. Localities: In the valley of Muddy Creek, below the road, and near the junction of Greenhorn and Muddy Creeks.

No. 4. Two feet blue, slaty limestone.

No. 5. Seventy-five feet slate, clay, and marl.

No. 6. Two feet like No. 4.

Locality: Nos. 4, 5, and 6 are found in the valley of Muddy Creek, below the road.

No. 7. One hundred and fifty feet or more slope with outcrops of slate and marl. Locality: This formation is probably several hundred feet thick, and may be the upper portion of the outcroppings noticed between Camps 3 and 4. It gives the peculiar uniform slopes of the valley of Muddy Creek below the Trinidad and Fort Garland road.

Two miles above Camp 4 the Huerfano leaves the mountains through a cañon of brown sandstone. These formations were much distorted, and may be traced high up in the valley of the Huerfano, where a series of these or similar formations are in great force, and in a less disturbed condition. This valley must have been closed against the Cretaceous sea in which the strata of that age were deposited along the eastern slope of the mountains, as remains of that system could not be found. Fragments of limestone, however, are strewed on the slopes of the mountains at intervals up to near the summit of the Sangre de Cristo Pass, but contain no organic remains, and have the characteristics of fresh-water rocks. The high peaks flanking the eastern approaches to Sangre de Cristo Pass are of a species of porphyry.

Visited the Gray-back gold-mines, situated about 750 feet below the summit of the pass, three miles from the mouth of a stream that flows from the right into the Sangre de Cristo Creek, about six miles below the summit. Fifteen men were engaged in washing. The gold is obtained in flakes, and the yield is from three to five dollars per day per man. In this vicinity is found a broken ledge of limestone of the Carboniferous period lying against granite, from which were obtained the following organic remains: *Cyathophyllum*, *Productu egicostatus*, *P. semireticulatus*, and *Spirifer cameratus.*

The lower slopes of the valley are mostly composed of red disintegrating feldspathic granite, with some gneiss and mica slate.

On the high elevations on the right side of the valley my assistant collected some specimens of dolorite trap and several different varieties of porphyry. On the right slope of the valley, two miles below Camp 5, is a slide of 150 feet of metamorphic light-gray shale, with hard, compact, dark-blue concretions, containing *Productus cora*, *Spirifer Kentuckensis*, *Spirigera subtilita.*

Three furlongs lower down the valley is a ridge of limestone, sandstone, and shale; much changed by heat, and tilted on their edges. Found no organic remains. For seven miles below the right slope of the mountain is strewed with *débris* of like rocks observed in the ridge, and extending up to a much higher elevation.

The lower slopes of the valley, for five miles, are mostly composed of granite, gneiss, and mica slate. These are traversed by veins of quartz; thence to Fort Garland, the outcrops and contour of the surface indicate a sandy-clay formation several hundred feet thick, underlaid and supported laterally by granite rocks in many instances.

Geological description. Examination of the Musca Pass from Fort Garland to Huerfano Valley, by F. Hawn, geologist. Ute reconnaissance.

The foot-hills in the vicinity of Fort Garland, extending from Sangre de Cristo Valley to the south point of the Sierra Blanca, are covered with an indurated sandy clay mixed with fine gravel. It is sometimes partially stratified, with shore-marks on its surface. The formation is several hundred feet thick, and points to a period when the San Luis Valley was a lake. The slope along the foot of the west side of the Sierra Blanca contains among other formations the following: quartzite, jaspery quartzite, feldstone porphyry, trachyte-trachy, dolerite, hornblende, slate, and greenstone.

The approach to the Musca Pass from the west is narrow and tortuous. The walls are abrupt and craggy, composed of granular quartz feldstone, quartzose, porphyry, argillaceous shale, metamorphic limestone, trachyte, trachyte porphyry, and feldspar. These are much curved, distorted, and tilted. On the east side of the pass surface deposits hide the character of the rocks until a descent of about 550 feet brought in view a coarse, dark-brown sandstone in thick beds. In the gorges of the Huerfano Valley the sandstone is seen in ledges of 300 feet, and the strata in horizontal position.

Between the Musca Cañon and the entrance of Sand Hill Pass to the north extends a ridge of loose sand, about 900 feet in height and five miles long, obliquely out in the San Luis Valley. Like the waves of the ocean it stretches, without a single green growing on its surface, constantly shifting from the wind. It owes its origin, however, to causes more potent than this.

Table of marches and altitudes.

Date.	Camp.	Distance.	Barometer.	Approximate altitude.	Soil.	Timber and vegetation.
				Feet.		
Aug. 12	1	8	22.633	7.394	Gravelly.....	
Aug. 13	2	9	22.691	7.270	Sandy and arid.....	Artemisia, cacti, scattering; conifera and aspen.
Aug. 14	3	11	22.388	7.641	.....	Conifera; thick.
Aug. 15	4	1.5	21.843	8.272	.....	
Aug. 16*	....	.....	21.230	8.998	Vegetation thrifty..	Spruce fir; aspen; yellow pine.
Aug. 17	....	.....	.....	.....	Pasturage good	
Aug. 18	....	.....	.....	.....	Pasturage better on east side.	Scattering conifers.

*Engaged in examination of the cañon on east side.

Geological observations continued between Fort Garland and Animas Park.—Fort Garland is situated on the eastern margin of San Luis Valley, midway between Sangre de Cristo and Ute Creeks, and one mile distant, with Sangre de Cristo range on the east, and Sierra Blanca on the northwest. The surface in the vicinity is deeply covered with drift, composed of cobble-stones of primary formations, found in the mountain-ranges on the north and northwest. Vegetation, except *artemisia*, is always scant, except in limited areas in the valleys on either side. Timber, of a good quality of yellow pine, may be obtained six miles above in the valleys, and piñons and cedar suitable for fuel in the foot-hills near by. Building-stone may be had in the foot-slopes of Sangre de Cristo range,

three miles distant, but of a quality that would require expensive dressing. On leaving Fort Garland the course pursued is nearly due west over San Luis Valley, which has the appearance of the western plains, except in verdure; the ground is occupied mostly by sage, (*Artemisia tridendata*,) *cacti*, and greasewood, with a scanty growth of tuft-grass between. The soil is of a sandy loam, but in some portions the sand predominates to a degree amounting to sterility. In other localities, of considerable areas, the ground is boggy, with rank growth, of course. Here the dry ground and plants are incrusted with an alkaline mineral, much relished by cattle, and serving them in the place of salt. In the vicinity of Sterret's ranch are a number of weak, brackish springs, elevated ten feet above the common level of the surface. The waters discharged are absorbed by the adjacent plain, serving the purpose of irrigation.

The springs bring up a siliceous mud, and probably in the accumulation of this sediment these elevations were formed.

Upon approaching the Rio Grande the surface becomes gravelly.

Three miles above Camp 12 we leave San Luis Valley, and continue up the valley of the Rio Grande. When the stream issues out of the mountains it is at this time about 100 feet in width, with an average depth of 5 feet, and a velocity of — miles per hour. I am informed that it is now at its medium height. The channel, so far as my observation extends, is not more than 20 feet below the general surface of its banks and the plains in the vicinity. From the rapid fall, the waters may be led with facility on the adjacent lands and render irrigation comparatively inexpensive. Several small farms, now watered in this manner, produce good crops of wheat, oats, and barley of fine quality, with crude culture; and potatoes unsurpassed in yield and quality.

The rearing of sheep and neat cattle is now the predominant pursuit, and is conducted in the manner of the patriarchs of old, or nearly left to the providence of nature.

The Rio Grande where it issues out of the mountains is flanked on the left by a wall of basalt; this formation occupies the foot-hills of the valley to the close of the day's march.

The class of rocks in the valley between Camps 12 and 13 are observed in the slopes above Del Norte, changed somewhat in composition, and sometimes have chalcedonic crystals. The rocks in front of Camp Loma are a reddish-brown trachyte, and weather into angular fragments, while the high peaks in the rear are of trap-porphyry.

From the mouth of the valley to Camp Loma the valley contracts, and at the latter point ceases to be of any consideration in agricultural view, except for grazing to a limited extent.

Camp Loma is situated on the right bank of the Rio Grande, one mile below the junction of the main stream and South Fork, within a few hundred feet of the foot-hills of the mountain, and about ninety feet above the stream. The camp is abundantly supplied with good water by a ditch one-half mile in length. Good building-timber is found on the military reservation, and a further and abundant supply of good yellow pine may be had a few miles up the valley of the river. Good building-stone is abundant within four miles.

Between Camps 14 and 16, in the mountain-slopes, on the left side, are escarpments of reddish-brown granite, large blocks of which have become detached from their ledges and obstruct our way.

The rocks that form the west walls of Rifle Cañon extend westward by nearly a right angle, thus facing the river, and are then the wall of a second cañon on the main stream, nearly a mile in length, the upper

end opening out into Hot Spring Creek Valley. Following up the river from this latter point on an arc curving to the right hand, we come to the third cañon, or a narrow gorge, through the extension of the Rifle Cañon walls, which bears the name of Wagon-Wheel Gap.

Hot Spring Creek, to which reference has been made, is a southern confluent of the Rio Grande, is four rods in width, and averages one foot deep; but in its normal condition discharges a much smaller volume of water. One mile above the mouth are several thermal springs. The largest discharges about twenty gallons per minute, with a large amount of sulphureted hydrogen, which may be detected by the odor at a distance of one hundred yards. The water is probably little below boiling-point, (or 196° F. at this elevation,) is of a crystalline clearness, and deposits a blue sediment. The ground in the vicinity is covered with a white incrustration, which has a pungent, acidulous taste. The next spring in size discharges about eight gallons per minute, has a temperature of about 120° F., and deposites a large amount of oxide of iron sediment. Notwithstanding its temperature it is pleasant to the taste, and agreeable in its effects. From the romantic scenery and the dry, salubrious atmostphere, these springs are well calculated to become popular watering-places, and I regret that circumstances are such as to preclude me from securing specimens of these waters for analysis. Soon after passing up through Wagon-Wheel Gap, isolated masses of vitrified cherty limestone were found at the foot of the mountain-slopes on the left side of the stream. Several miles farther up the valley the river runs against a high bank of buff-colored clay, thinly stratified, and alternating with a hard indurated slate, of the same color and composition. This formation seems to attain a thickness of over two hundred feet, and the stratifications are in horizontal positions.

Fragments like these are traced along the granite slopes of the valley to Camp 17. The valley of Hot Spring Creek is one mile in width at the springs. The soil is passably good, but the climate too cold for general agricultural purposes, as the thermometer marked 31° F. at sunrise, and ice was observed at noon on northern slopes. The valley of the Rio Grande above Wagon-Wheel Gap soon expands to several miles in width. Scattering *cacti* and *artemisia* are found in some places, but, notwithstanding, good pasturage may be found for large herds.

Five miles west of Camp 17 is a ledge of hard strata of buff argillaeous shale, or slate, interstratified with like-colored clays in their aminæ. The ledge extends for a mile along the river, and measures, in ome places, over 100 feet up from the water's edge, and by fragments I traced it up on the slope of the mountains to an elevation of 500 feet more. Above the exposure it seems to alternate, or is capped with coarse brown sandstone. Few or no organic remains are identified. A fragment of what might have been a *Pinna*, a cast of an orbicular shell too obscure for identification, and numerous impressions like the casts of *Fusilina*, or what might have been the foot-prints of a small reptile, were observed. These latter are so numerous as to cover the entire surfaces of slabs, and the impressions are larger in the upper than in the lower strata.

Five miles above Camp 17 the valley contracts, and thence the bottoms or level portions are limited to the right side.

The Bristol Head Spur is a short and narrow range, with the valley of the Rio Grande on the east and Lake Mary Cañon on the west. The highest point is about 12,000 feet, and is the product of volcanic action. The highest peaks are trachyte, and the southern extremity of the range is porphyry. Patches of white and purple clay are seen on the west side

500 feet above the base of the range. For four miles above Camp 18 the valley is contracted, but then it widens out again, sweeping away toward the southwest around Bristol Head, and forms a park (Antelope Park) of many thousand acres of tillable land, much of which might be irrigated. But the climatic conditions incident to so high elevations in this latitude would probably prove unfavorable to the growth of a great range of agricultural products. For the purposes of grazing, as it is conducted here, it is even now of considerable value.

Three miles from Camp 19 we enter Antelope Park Cañon, a narrow gorge of some eight miles in length, with nearly a perpendicular wall on the right; and on the left, at the foot of an encampment, a steep slope affording precarious footing for our animals. The walls are from 100 to 1,200 feet in height from the water-line. In some places on the left the upper formation is a ferruginous scoria; lower down, porphyry, of close texture and handsomely variegated, on a dark violet ground, and at or near the base a dark earthy-brown trachyte.

Soon after leaving Antelope Cañon I found masses of conglomerates of partially rounded and angular fragments of such rocks as are found in place in the vicinity. The escarpments on the left of the valley are of red feldspathic granite, and patches of white clay were frequently observed high up on the slopes.

Leaving the valley of the Rio Grande in the vicinity of the Lost Trail and passing up the left slope of the valley over to the head of a valley leading back to Antelope Park, I found on the summit, when the barometer indicated 20.791 inches, or approximating 9,500 feet above the Gulf, 15 feet of chalky-white, porous, crumbling limestone. About 600 feet lower down in the valley occurs a ledge of hard, compact, brown limestone, accompanied with gray shale. I found no organic remains in either, except what might have been the impression of wood in upper or white limestone.

A short distance above Camp 20 the valley of the Rio Grande widened and maintained an average of about half a mile, with boggy bottoms overgrown with willows. It would afford pasturage for a limited herd.

Northwest of Camp 21 is a formation of clay resting high up against the slope of the valley. The upper portions are of a bright purple and blue, but the larger portion at the base is green.

The space thus occupied is over 300 feet in height. These clays were rarely out of sight during the day, and often ranged high up in the mountains. The base of the mountain, as exhibited in the valley, is mostly composed of a beautiful red granite, and the high peaks of trachyte and other volcanic productions.

At or near Camp 22 the green clay of the preceding march is found in a slope of 75 feet, stratified, partially indurated, siliceous, and weathers into plastic clay. It contains a large quantity of partially water-worn, calcareous, and arenaceous bowlders, as well as angular fragments of like characteristics.

I found no organic remains except a water-worn wood opal.

Fragments of these clays were constantly in sight during the day, often up at timber-line.

In crossing Hamilton Pass the ground was covered with snow.

Formations in the distance on a side of the mountain, uncovered, seem to be of igneous origin.

Timber-line on the eastern slope from one observation was 19,365 inches, or about 11,300 feet above the Gulf. Summit of the pass from one observation was 18,980 inches, or about 11,966 feet above the Gulf.

Crossed over to the Pacific slope; timber-line from two observations was 19,640 inches, or 11,022 feet above the Gulf.

The rocks, after leaving Camp 24, were all of Plutonic origin. In Rocky Gulch I observed a bowlder of galena two feet in diameter.

Passed over gulches and through ravines strewed with fragments of feldstone, some of which had attached galena, copper, and iron pyrites in quartz gangue.

Baker's Park is merely a widening of the valley of Las Animas for five or six miles, with about a half mile maximum width.

Proceeding down the Las Animas Valley, the rocky walls on the right side are of feldstone, traversed by numerous veins of quartz, many of which contain minerals of different kinds.

Baker's Park has a large area of good grazing-land, and its native grasses furnish forage for many heads of stock during the summer. The narrow valley connecting this park with Hamilton Park is too limited to be of much use.

Here one branch of the corps continued the reconnaissance down the Las Animas Valley, and Laurens Hawn, assistant geologist and meteorological recorder, was detailed to take charge of these branches on this route, and the report of his researches and field-notes are herewith submitted, with my approval.

F. HAWN,
Geologist and Meteorologist Ute Reconnaissance.

Geological notes made on the Ute reconnaissance during examination of the Animas River, by Laurens Hawn, assistant geologist and meteorological recorder.

Ascending from the foot of Hamilton Park, at the entrrnce of the Las Animas Cañon, the rocks are principally granitic until an elevation is attained on the slope of a valley of some eight hundred feet, when blue limestone appears.

This, being exposed and forming a table about eleven hundred feet above the river, I traced for several miles. The formation was somewhat altered by heat. I made the following section near Camp 27, on and above the line:

Nos. 1 and 2, 465 feet of sandstone.

No. 3, 50 feet of gray limestone; no fossils found.

No. 4, 300 feet of coarse sandstone.

No. 5, 30 feet of bluish-gray fossiliferous limestone, weathers into angular fragments.

Organic remains: *Cimoiden; Productus equicostatus; I. reticulatus; Spirifer Kentuckensis.*

No. 6, 250 feet of greenish micaceous sandstone.

No. 7, 10 feet or more of bluish-gray limestone; no fossils found.

No. 8, 90 feet or more of greenish micaceous sandstone.

No. 9, 200 feet slope; no outcrops.

No. 10, 8 feet or more of coarse white sandstone.

No. 11, 5 feet of bluish-gray limestone.

No. 12, 200 feet of slope; no outcrops.

No. 13, 10 feet of brown fine-grained sandstone.

No. 14, 50 feet of bluish-gray fossiliferous limestone, weathering into angular fragments.

Organic remains: *Productus reticulatus; P. semireticulatus; Spirigera inflatus; S. Maconensis; Spirifer lineatus.*

No. 15, 100 feet slope; no outcrop.

No. 16, 10 feet flesh-colored limestone, weathering into angular fragments, occasionally seams containing crystals of spar.

No. 17, 15 feet of black marble.

No. 18, 3 feet of whitish-gray marble.

No. 19, 6 feet of white limestone, with a bluish tinge.

No. 20, 15 feet of a reddish-brown sandstone.

No. 21, 10 feet of whitish-gray marble.

No. 22, 3 feet of reddish-brown sandstone.

The dip of this series is about 10° west. This section carried me down to the walls of the Las Animas Cañon, which here are about 1,000 feet high. They are granitic at this point. The river itself is inaccessible. In a gulch half way between Camps 27 and 28, I found cropping from beneath blue limestone about 8 feet of buff limestone. This rested upon coarse brown sandstone, of which I could not determine the thickness. From this point I lost trace of my section. About one mile above Camp 28 I made the following section west of the line and in descending order:

No. 1, 20 feet of bluish-gray fossiliferous limestone.

Organic remains: *Productus reticulatus; Spirifer lineatus; S. Kentuckensis; Spirigera Maconensis.*

No. 2, 15 feet or more of sandstone.

No. 3. 30 feet of bluish-gray limestone; fossiliferous.

No. 4, 50 feet of coarse sandstone.

No. 5, 20 feet of bluish-gray limestone; no fossils found.

No. 6, 40 feet or more of sandstone.

The wall-rock of the creek at Camp 28 is composed of blue limestone, but being isolated or unaccompanied by the other members of the series, its identity remains in doubt.

Nothing definite is determined between Camps 28 and 29, owing to the deep irregular cañons, except that the blue limestone and the brown sandstone crop out in several places; but at Camp 29, in the bluff on the west, blue limestone, with the shale beneath it, is exposed. My section is not sufficiently classified to give these formations their proper places.

At a point on the line a mile south of Camp 29, the following section occurs, commencing at an elevation of 900 feet above our route, as follows, descending:

No. 1, 75 feet of hard, blue-gray fossiliferous limestone.

Organic remains: *Productus costatus; P. cord.; P. reticulatus; Spirifer lineatus; Spirigera subtilita.*

No. 2, 75 feet coarse sandstone, mottled.

No. 3, 150 feet of bluish-gray limestone, shading into white sub-crystalline, and resembles marble.

Organic remains: *Productus reticulatus; Spirifer Kentuckensis; Spirigera subtilita.*

No. 4, 111 feet coarse, reddish-brown sandstone.

No. 5, 50 feet of hard, blue, sub-crystalline limestone, shading into gray; no organic remains found.

No. 6, 30 feet reddish-brown sandstone.

No. 7, 30 feet of bluish limestone, shading into a bluish tint; no organic remains found.

Nos. 8 to 12, 720 feet of bluish-gray and mottled sandstone.

No. 13, 150 feet of slope.

No. 14, 20 feet of limestone, varying from white to blue, and breaking into angular fragments.

No. 15, 25 feet calcareous sandstone.

No. 16, 3 feet or more of fossiliferous cherty limestone.

In this formation recur the sub-carboniferous fossils: *Crinoidea*, *Productus reticulatus*, *Gorgonia*, *Euomphalus latus*, and *Cyathophylum*.

The strata of this section dip west to an angle of about 10°. From this point to Camp 30, in several places, cherty limestone appears, but its position in the section or its volume is not determined. In consequence of the press of time and other duties, the thickness of the different formations may not be correctly estimated, but enough is determined, together with the organic remains obtained, to prove that here at least are extensive beds of carboniferous rocks.

The walls of Cascade Creek, at Camp 30, are composed of gray and cherty limestone. This formation probably belongs beneath the section last recorded, since that series lay in the cliffs a short distance to the right of the point. (See No. 16 of last section.) In this limestone were found the following organic remains: *Crinoidea*, *Productus reticulatus*, *Gorgonia*, *Euomphalus latus*, and *Cyathophylum*. This formation may, with propriety, be referred to the sub-carboniferous, as I believe the *Euomphalus latus* is never found above that division. So far it is definitely classified. Other formations came in below, and, though not defined, are believed to belong to the same division. On higher ground I traced these formations in their relative position to Camp 31.

Between Camps 30 and 31 the route lies over a high plateau, exceedingly fertile and well watered by numerous springs, which in places form marshes.

The grass and other herbage is rich and abundant.

The same formations continued in the bluffs between Camps 31 and 32. The sandstone becomes more compact and less micaceous, and frequently changes to a reddish-brown, caused by heat.

Descending from the high plateau to Animas Park, the strata dip south at an angle of 15°. Numerous thermal springs flow from the limestone formations near Camp 32, in which I recognized sulphur and iron and other minerals not determined. These springs are small, the largest discharging not more than five or six gallons per hour. Some of these waters are pleasant to the taste and in their effect. After leaving the high plateau the soil becomes dry and sandy, except when watered by an occasional spring, and shrub-oak becomes abundant.

Below Camp 32 the dip carried the series beyond recognition. About three miles below Camp 32, on the summit of the cliffs to the right and parallel to the river, appears a dark and micaceous sandstone, fine and compact, characteristics differing from those in the series before described.

The volume of this red sandstone increases in thickness as it dips south, by the accumulation of strata on the top, until it equals about 1,000 feet in thickness, after which it is soon carried below the surface of the park, by the dip caused by subsidence or an extensive slide prior to the present order of things.

The distance from where it first appeared to where it disappeared is about five miles. This formation is also in the cliffs on the opposite side of the river. For the want of time, and owing to the rapidity of the changes of the cliffs in which the red sandstone first appears, I was unable to determine the characteristics of these cliffs, but believe the upper and higher portions of the slope of the valley likewise sandstone of a different nature. The red sandstone slide to which I have referred

left exposed in the face of the cliffs against which it had rested strata of white sandstone. At this point a perpendicular cañon is cut through this cliff. Down this cañon I traced the white sandstone just mentioned to a creek about two and a half miles above Camp 33, when I obtained the following section in descending order:

No. 1, 5 feet of yellow sandstone.

No. 2, 15 feet of blue shale.

No. 3, 20 feet of hard fine white sandstone.

No. 4, 3 feet of shale and sandstone.

No. 5, 1 foot of coal.

No. 6, 20 feet of hard, fine-grained white sandstone.

No. 7, 6 feet of blue calcareous sandstone.

No. 8, 10 feet of fine-grained white sandstone.

The dip of this series is about 10° southwest. Judging from appearances, the soil of Animas Park is not very prolific. This is probably owing to the want of rain, for portions that receive moisture from the streams have a luxuriant vegetation.

The surface and shallow troughs of the stream would render irrigation of the greater part of the park comparatively easy and inexpensive. There is a scanty growth of cotton-wood and willow on the river banks and its tributaries running through the park, while the surrounding hills are covered with pine and an inferior growth of oak; serviceberry, wild oats, perennial flax, and a large variety of flowers abound. Vegetation indicates an isothermal of Northeastern Kansas.

(See, also, meteorological observations.)

Although the several formations included in the several sections, except one, are of one undoubted coal-measure origin, and spread over a large area, and although upon closer examination thicker and workable beds of coal may be found, no extended beds will be rendered available, as these formations lie against the mountain-slopes, which are granitic, preventing much lateral extent, except, perhaps, in the vicinity of the Animas Park, where the mountains dwindle into hills, some of which are of carboniferous origin.

Table of timber, distances, altitudes, and camps.

	Bar.	Alt.	Dist.	Camp.
June 14, heavy growth spruce and aspen.....	20.67	....	3	27
15, same, but heavier.....	20.78	....	5	28
16, same, add few fois	20.80	....	3½	29
17, same...	20.85	....	3½	30
18, same, add maple and cotton-wood....	21.72	....	4½	31
19, pine, cotton-wood, choke-cherry, oak..	23.46	6,412	10¼	32
20	23.51	6,376	12¾	33
			42	
Return.....			42	
			84	

Report of the geological survey of the Las Animas mining-district, by F. Hawn, geologist of the Ute reconnaissance.

This district comprises an area of about one hundred square miles, including Baker's and Hamilton Parks and their lateral valleys, and of the Las Animas River.

Hamilton Park is situated on the west side of the district, as now developed, and includes about 7,000 acres.

Mineral Creek enters the southwest corner of this park, presses along the west slope of the mountain for near two miles, and enters Las Animas River.

From the mouth of the creek to the entrance of the valley above, the mountain slope is mainly composed of trap. Above this the slope on the left-hand side going up is covered with surface-deposits that hide the main formations, but I believe them to be likewise trap.

At the entrance to the valley on the right side going up is an escarpment several hundred feet in height, composed of cellular micaceous quartzose formation in thick beds and of a ferruginous aspect. The cells contain a fine, ashy-brown siliceous dust, and its micaceous characteristics might rank it among gneiss.

Farther up the stream near the junction of the South Fork, the summit is covered with different colored siliceous matters, blending the hues of orange, purple, and crimson.

The North Fork of Mineral Creek is a mere gorge. It was once filled to timber-line with recent formations, and a sandstone and coarse ferruginous conglomerate yet occupy portions of its lower slopes, while the higher levels are of a yellow argillaceous clay and slate.

These modern remnants cover most of the surface, but at a few points I observed feldstone and other trappean varieties, and in the higher peaks volcanic deposits. No extensive mineral veins had been discovered in this valley, as "prospecting" is rendered difficult in consequence of the modern deposits covering the slopes.

The South Fork of Mineral Creek has a more spacious valley for three miles above its mouth.

In this distance the walls on the left side going up are several hundred feet in height, and in thick beds of argillaceous quartzose and mica slate and calcareous formations. Above this, for about one mile, the wall is mainly covered by talus and surface deposits, but on the opposite (right) side is a perpendicular wall of over 1,000 feet, and reaching up to near timber-line, and of an entirely different character. The lower beds, or those within reach, are of a dark maroon, hard, compact limestone, with beds of conglomerate of like character, and rounded pebbles. These beds alternate with thin plates of micaceous sandstone of like color, which weather out on their edges and give to the escarpment the appearance of masonry constructed after the strictest rules of architectural proportions. This exposure is seen only for about one mile, when a cascade in the stream, a dip in the formation, and denudations above the falls hide it from view on this side of the valley above the cascade, but on the opposite side (above the falls) it occurs in a cliff of several hundred feet in height. This, too, soon disappears by the rapid ascent of the valley, and trap and volcanic deposits take its place.

These red formations are, too, of a modern date, formed since the valley had assumed its present proportions, and which they once filled. Such conditions are not easily conceived from the present stand-point, especially as a branch valley was also filled, but with different material.

Further comments on this subject will be made in the *résumé*.

In passing from the mouth of the valley of Mineral Creek to the left along the north boundary of Hamilton Park, the quartzose formation, previously noted, is replaced by feldstone trap, and this again by mottled granite in a small ledge at the mouth of the cañon of Cement Creek.

This granite exists in regular beds, is easily quarried, and would make a good and durable building-stone.

Cement Creek differs but little from the north branch of Mineral Creek, and was also once filled with modern formations after the valley had been formed. Seven mineral veins have been found, mostly galena. Two on Matilda Creek, a branch of Cement Creek, and one still higher up the main valley, contain silver. Rich float-specimens were found, whose veins are probably located well up toward the summit.

Further prospecting will probably develop this valley and its surroundings into a rich mineral field.

Little Giant Gulch is situated on the left side of Las Animas River, and is a mere *cul-de-sac* of a few miles in length, closed in on three sides by high mountain-ranges. On the right side near timber-line is situated Little Giant gold-mine. The lead is 2½ feet in width, the walls are of compact feldstone and the gangue quartz, copper, and iron pyrites. A drift of 60 feet and its developments prove this be a true lode.

No large amount of the ores had been reduced, but the company had erected at a heavy expense a mill, which was not yet in operation. I had no means at my control to test fully the value of this ore, but the proprietors entertain reasonable expectations of a large return.

There are several other leads in this gulch. One or two have some of the characteristics of the Little Giant vein, while others are mostly galena, and still others galena and silver. Though in none had the developments reached beyond the prospect-pit, they thus far promised well.

At or near the summit of one of the ranges is also a vein of pure galena 100 feet in width. I did not visit this locality, in consequence of the hazardous ascent, but the fact is so well attested that I gave it full credence.

The walls of the Little Giant Gulch are mostly feldstone. Cunningham's Gulch is a narrow valley that connects with the left side of Baker's Park three miles above Little Giant Gulch. Its walls are composed of porphyry, mica slate, and quartzite rocks, and the summit volcanic trachytes.

There are several veins of galena, supposed to contain a large percentage of silver. This is probably true in reference to the Mountaineer and Green Mountain leads, but I have no definite data to that effect. There are numerous other leads that may be equally promising, but the claimants were absent, and but little knowledge could be obtained respecting them, and the prospect-pits were in a dilapidated condition.

Eureka Gulch, situated near the head of Baker's Park, is a narrow gorge on the right of the valley. Its walls are mostly trap, overlaid by volcanic deposits. No mineral leads have been discovered here, not for the want of favorable indications, but because several years since a large amount of labor was expended in washing for gold, and, the enterprise proving unprofitable, was abandoned.

Baker's Park is mere widening of Las Animas Valley about eight miles long and a half a mile broad at the widest place. Its walls are mostly of granular and crystalline feldstone.

This is traversed by innumerable veins of quartz, some reaching from the base of the valley to near the highest mountains-peaks. This is peculiarly so in Galena Mountain, where a rich vein of ore exists above timber-line, and is only lost by being covered with volcanic deposits.

The veins of quartz do not all contain mineral nor a tithe of them; but many rich leads of galena have been discovered, and some of them contain

more or less silver. It is but reasonable to suppose that when the field has been fully developed it will be found second to none other in the precious ores. This remark will apply to all the upper portion of the district.

With the exception of one or two instances, the development of the veins has only extended to shallow prospect-pits, and no definite opinion could be rendered of their value or permanency; but I can only repeat that in a region so prolific in minerals true and rich lodes exist, and if the ores representing the leads in the succeeding list were assayed, the pertinence of this observation would become apparent.

However the remoteness of this district from supplies and the absence of good roads will be an adverse element in its prosperity until Animas Park, forty miles below, shall be thrown open for settlement.

That beautiful country commands all the natural elements for a prosperous agricultural region, where the mines might be supplied.

I might, if space would permit, extend these remarks to the anthracite-coal region and iron ores near by, (all within reach of this mining district,) where the needful implements might be forged.

A list of veins and mines from which gold, silver, and galena ores were collected on the Ute reconnaissance, by F. Hawn, geologist of the expedition.

No.	Name.	Locality.
1.	Black Swan	Cement Creek.
2.	Monarch	Cement Creek.
3.	June Bug	Cement Creek.
4.	Little Giant	Little Giant Gulch.
5.	Aspen	Little Giant Gulch.
6.	Green Mountain	Cunningham's Gulch.
7.	Saint Louis	Cement Creek.
8.	Missouri	Cement Creek.
9.	Monitor	Little Giant Gulch.
10.	Leavenworth	Baker's Park.
11.	Mountaineer	Cunningham's Gulch.
12.	Royal Charter	King Solomon Mountain.
13.	Royal Charter	King Solomon Mountain.
14.	Eureka	Baker's Park.
15.	Saint Lawrence	Galena Mountain.
16.	Robert Burns	Las Animas District.
17.	Gadsen	Baker's Park.
18.	Water-Fall	Baker's Park.
19.		Baker's Park.
20.	Tom Moore	Las Animas District.
21.	Colorado	Las Animas District.
22.	Bobtail	Cunningham's Gulch.
23.	Mary Ann	Cunningham's Gulch.
24.	John Butler	Baker's Park.
25.	McKee	Baker's Park.
26.	Wyandotte	Las Animas District.
27.	Union	Las Animas District.
28.	John	Las Animas District.
29.	Bay State	Cunningham's Gulch.
30.	Chicago	Las Animas District.
31.	Ohio	Baker's Park.
32.	Lady Elgin	Little Giant Gulch.
33.	Andrew Jackson	Baker's Park.

No.	Name.	Locality.
34.	Senator	West Mountains.
35.	Union Cap	Las Animas District.
36.	Mountain Boy	Baker's Park.
37.	Scotland	Lake District.

Geological observations from the mouth of Lake Mary Cañon, via Lake Fork of the Grand River, to Del Norte.

At the south end of Lake Mary Cañon is a heavy formation of soft gray and blue shale, in horizontal strata. The west wall of the cañon is of red porphyry, which is mostly covered with coarse conglomerate, often in walls 800 feet in height. The east wall constitutes the west flank of Bristol Head, and is wholly of igneous origin.

High up on this wall, coinciding nearly with upper timber-line, are remnants of white and colored clays, formations of which once nearly filled this cañon, and this, too, previous to the conglomerates, as at several localities I found the former combined with the latter. The trail to the Clear Creek Falls was mostly over porphyry and trachytes; thence the valley of Clear Creek was undulating, with but few outcrops, to near the close of the march.

Immediately east of Camp 43 is a high ridge of loose, disintegrating brown trachyte, of the character observed on yesterday lower down in the valley. But few outcrops to the summit of the pass to the Lake Fork, elevated (ascertained by one observation) 11,356 feet.* The summit and the heads of valleys on the north comprise a beautiful undulating surface, as far as the eye can reach, embracing thousands of acres of rich soil, indicating an active growth of vegetation in some seasons of the year.

On descending into the valley of the Lake Fork of the Grand River, white and yellow clays were encountered, similar to those of Lake Mary Cañon. The bright colors of these clays are visible far down the valley, often coinciding with timber-line. The older formations are of slate and quartzose porphyry. The wall-rock of the San Cristobal Falls is of trachyte, which had partially filled a portion of the valley, and is disintegrating at some localities, and resembles that observed near Camp 43. At an elevation of about 500 feet above the falls, on the right side of the stream, is what is claimed as a vein of galena rich in silver. It had been but partially opened, and the claimants not being present, little or no information could be obtained. I could discover no indications of a regular or true lode.

Quartzose and porphyry seemed to be the prevailing formations on the lower side, and, a short distance above, slate. I gathered a few specimens of the ore, which are represented by No. 37 in the collection.

A solitary cotton-wood at Camp 45 is the only specimen found by me at so great an altitude. Below Camp 45 are few outcrops, principally red trachyte porphyry. The mountain-sides are stained with red and white clays to near upper timber-line.

There were but few outcrops for seven miles below Camp 46, excepting a few fragments of conglomerates. At the end of this distance we passed through Great Gate, a narrow gorge of about three furlongs in length, with walls of trap. Thence down to Lake Fork Cañon, the lower slope of the valley is mostly of red trachyte porphyry. Near Camp 47 is a dike of feldspathic trap.

The high ground flanking the cañon on the west is composed of feld-

*This elevation may be considerably wrong, as the United States Signal-Service reported a terrific storm to have occurred to northwest and west of the Mississippi River on the night of this day.

spathic granite, including a bed of rose quartz twelve feet thick. The lower portion of the cañon is traversed with numerous quartz-veins, but none were discovered bearing valuable minerals.

On leaving the Lake Fork and ascending the right slope of the valley, I observed the red trachyte porphyry of the preceding march, overlaid by gray trachyte. I observed an oak, *Quercus ganayana*, at an elevation of 7,970 feet.

From Camp 48 the surface is regular, with outcrops of quartzose rocks, and hills are bespangled with mica. Near Camp 49 were formations of porphyry, gneiss, volcanic tufa, trachyte, iron-ore, pitch-stone, nepheline-dolerite, mica, trachy-dolerite, greenstone trap, and hornblende rock. Below Camp 49 are quartzose rocks on the elevation, and brown trachyte on the slopes. Three miles to the right of Camp 50 is a deep cañon, with walls of trachyte like that observed near the summit of Clear Creek Pass.

In front of Camp 51 is a high ledge of brown trachyte like that recorded as seen in the cañon near the last camp.

The bluffs on the right side of Tumitchi Valley are capped with red porphyry, and along the Ute trail leading to the pass are frequent outcrops of white and yellow stratified clays in horizontal position. These formations seem to be like those found in Lake Mary Cañon and in the valley of the Lake Fork of Grand River; in fact, in nearly every principal valley that came under my notice.

Tumitchi Valley is broad and fertile, and affords grazing for several thousand head of horses and cattle, sheep, and goats of the Utes.

After leaving the valley, the ascent toward the pass is uniform, the soil dry, and grazing indifferent.

In the vicinity of Camp 52 is an outcrop of gray granite. The contour of the surface is comparatively regular to near the summit of the pass, with but few exposures. The elevation of the summit deduced from one observation was 9,834 feet. From the summit down on the Atlantic slope to the Saguache Valley the surface is precipitous and broken, the effects of a deluge of volcanic trachyte.

This deposit seems to be identical with that observed near the summit of Clear Creek Pass, in the cañon near Camp 50, and in the ledge near Camp 51.

The volcano that emitted these deposits must have been one of great force and in active operation after the surface had nearly attained its present form.

During most of the march down the valley of the Saguache the slopes were composed of trachytes. Fragments of white clay like those noticed in the Tumitchi Valley were frequently observed at high elevations.

On the left side of this valley opposite the upper end of the cut-off road is a formation of coarse gray sandstone of recent date, occupying 60 feet of the lower slope of the mountains.

As the valley widens and gradually merges into the San Luis Valley, the walls on the west side are wholly of igneous origin.

Near Camp 55, the valley is several miles in width, and a small portion of it is under cultivation, aided by irrigation. The yield of wheat is probably seven or eight bushels per acre, and is of superior quality. Oats, barley, and potatoes yield large returns, and are of unrivaled excellence. Grazing is also good.

Four miles below Camp 55 we enter San Luis Park, and the march then continued along the west margin. A few points of the mountain-slopes approached near enough for examination, and were found to be of

porphyry and trachyte. We continued our march along the margin of the San Luis Park, and connected with the line of our outward march at Del Norte.

Geological observations on Ute reconnaissance from Fisch's Ranch to Pueblo via Cochetopa Pass, head of Gunnison's River, and Lake Creek Pass.

As the several lines of observations have nearly encircled a part of the San Luis Valley, it may not be irrelevant to enter here a more detailed description of this portion of that extensive inclosure.

That part of the valley north of a due west line from Fort Garland is a treeless plain, descending toward the south side, with the Rio Grande on the west.

That portion under consideration includes an area of about 700 square miles, with a mean elevation of 8,500 feet.

The central portion receives the drainage of the mountain-ranges on the north and northeast into a lake without an outlet. The extent of the waters of this lake varies with the season, increases with the melting of the snows, and equilibrium is maintained by evaporation.

In the vicinity of the lake, and so far as its waters impart moisture to the low and changing margin, vegetation is fresh and exuberant, resembling an oasis in a desert. The lake, with these conditions, comprises about one tenth of the area under review. The remaining portion is arid, the surface more often monopolized by artemisia and cacti.

As a cattle-range it is not to be recommended. True, herds are fed the year round on the scanty bunch-grass as nature provides and cures it, but my observations tend to the conclusion that there can be no practical development in cattle reared under such circumstances.

Sheep, however, thrive, are healthy, increase rapidly, and are comparatively free from disease.

The valley, or approach to the Cochetopa Pass from the Atlantic side, is principally red porphyry.

At Camp No. 7, elevated 8,100 feet, is a fragment of a ledge of conglomerate which I traced 360 feet upon the mountain-slope; still 50 feet above the latter point is a formation (*in situ*) of soft, gray mottled limestone resting on a hard brown limestone. These formations are 50 feet thick, in horizontal strata, resting against porphyry.

The rocks farther up on the slope are of a brown trachyte, and the face of the ledge is much water-worn. The lines are fresh, as if the water had but recently receded.

Soon after leaving Camp 7, the surface-deposits conceal the more solid formations.

After descending the Pacific slope about 400 feet, fragments of white limestone were observed, and lower down in the valley, in regular strata, at intervals, as low as our encampment.

Mr. Prout notes "that between Camps 8 and 9 the route lies over a mesa of sandstone underlaid by granite, which crops out here and there. There is very little soil, consisting mainly of decomposed granite and sandstone. Near Camp 9 the Tumitchi flows, in a cañon 100 to 300 feet deep; much rock exposed—dark gray sandstone.(?) About two miles above this point the cañon is deeper, with walls of red feldspathic granite."

The foot-hills, down to near the junction of Pass Creek and Tumitchi Creek, are of gray shale and white calcareous slate, similar to the gray mottled limestone mentioned between Camps 6 and 7.

At the junction of the creeks named is a prominent point of coarse

conglomerate, and a little lower down the stream a ledge of volcanic trachyte. One mile below this occurs a ledge of feldspathic granite 50 feet thick, succeeded by 150 feet of quartzose strata, granular at the base and shading upward into a quartzose sandstone of different colors, this again succeeded by red porphyry 80 feet thick and capped by trachy-dolerite.

The two latter are much like those formations in the eastern approach to the pass, and the trachyte identical with that vast volcanic deposit on the Atlantic slope, along the Ute trail, between Camps 52 and 53. Farther down Tumitchi Creek the granite forms the walls of a cañon, is 150 feet thick, is often quartzose, in several instances penetrated by trap dikes.

Between Camps 9 and 10 the granite disappears. The sandstone and trachyte were observed to the close of the day's march.

In the bluffs on the right, on entering Cochetopa Valley, is a ledge of hornblende slate. From Camp 10 the slopes on the right side are of the quartzose sandstone observed in Tumitchi Valley. On the left are frequent protrusions of trappean deposits. Coarse conglomerates also occur at intervals.

From Camp 11, except in the distance, the mountains dwindle into foot-hills, regular in contour, with a few outcrops of quartzose sandstone and protrusions of trap in the earlier part of the march.

At the base of the former occur 25 feet of fine conglomerate of small silicious gravel and rounded water-worn pebbles. These were cemented by a white paste, and formed one solid mass. The finest would take a fine polish and might be worked into ornaments. These were probably the result of the earlist fluviatile development.

In the same vicinity, but lower down in the valley, is another species of conglomorate in high ledges, coarse and of recent date.

Four miles above the head of Gunnison River they form escarpments several hundred feet in height.

During the greater part of the day a distinct shore or water line was observed on the left of the stream, 800 feet above the bottom of the valleys.

Three miles above Camp 12, on the right of Ohio Creek, elevated 7,647 feet, I found a bank of marly shale, in thin and horizontal laminæ, containing *Ostrea congesta*, and many fragments of what was once a large and fragile *Inoceramus*.

The formation is 75 feet thick, and outcrops were frequently observed during the day higher up along the valley. This is one of the earlier formations of the cretaceous system, and is the equivalent of No. 3 of Meek and Hayden's Nebraska sections, 1857.

Thick beds of coarse conglomerates were frequently observed above this formation.

Immediately above Camp 13 is a high table, with terraces of light brown, hard, compact, amorphous sandstone, dipping toward the southwest. It lies against Mount Umbraculum, and reaches high up in the approach to the pass leading across to the head of Nigger Creek and Anthracite Creek.

Mount Umbraculum, a spur, is of volcanic origin, mostly a porphyritic trachyte.

The herbage luxuriant, rich, and abundant. Not that the soil is any different from that of the valleys below, but here the surface receives the diurnal rains that prevail in the mountains from July to September, but rarely reach half a mile below lower timber-line.

Yesterday I observed the full effects of these conditions. In traveling up the valley of Ohio Creek and approaching Mount Umbraculum, in one mile I passed from arid sterility to fertility and exuberance in vegetation that equaled the far-famed prairies of Illinois. This close relation between timber and the rains is a rule without an exception so far as my observations have extended.

Soon after leaving Camp 14, at an elevation of 9,280 feet, observed a thick formation of a sandstone conglomerate. This, with extensive beds of sandstone like that of yesterday, occurs during the march.

At the head of Anthracite Creek, at an elevation of 9,100 feet, I observed the following section in descending order:

No. 1, 75 feet hard, compact, light-brown sandstone, in thick, irregular beds.

No. 2, 4½ feet anthracite coal; in luster and fracture resembles the Lehigh coal.

No. 3, 90 feet black slate and black shale, interstratified with sandy shale.

No. 4, creek bottom.

This section dips down the stream, and soons disappears beneath the valley.

The want of time precluded me from making an estimate of the extent of this formation, as this depends on contingencies somewhat intricate.

The base of the mountain is composed of syenite, the higher portion of feldstone, trachyte, and volcanic tufa.

On going down Nigger Creek, we found the mountains the same as on Anthracite Creek.

Ledges of brown sandstone were observed at several localities, and fragments of black slate in the creeks.

Washington Gulch is an old place, situated on a small stream of the same name 300 feet below upper timber-line. A large amount of work was done here in washing for gold, but for the want of remunerative returns the mines have been abandoned.

The bed-rock is of a hard blue slate, that disintegrates into small cuboidal fragments. I traced this slate, alternating with dark-brown indurated clay, for six miles down the gulch to its mouth, at the foot of Lone Mountain, opposite Nigger Gulch, where I found two casts of fossils, resembling *Inoceramus*, but too imperfect for identification.

These formations are in horizontal strata, and their aggregate thickness amounts to several thousand feet.

Lone Mountain is composed of gray granite; but the high peaks at the head of Washington Gulch are of volcanic origin.

At several points on the march down Slate River, a tributary of Taylor River, I observed the blue slate formation of the preceding march, especially opposite East River.

The lower slopes of the mountains are mostly covered with surface-deposits.

In the mouth of the valley of East River is a ledge of calcareous tufa. Higher up on the slope, the formations are of a quartzose character. One mile above the mouth of the valley and sixty feet above the base, is a high ledge of irregular stratified limestone, seventy-five feet in height, somewhat changed by heat.

Found no organic remains except a small incurved shell not identified. This ledge is but a fragment, and lies over red feldspathic granite, which has incorporated with it irregular masses of gneiss. A short distance above this, granite forms the side walls of a deep and narrow cañon above five furlongs in length. Above the cañon, limestone and

shales appear to constitute the right slope of the valley, with occasional remains of conglomerate. About four miles above the cañon and above where the trail ascends the left slope for Deadman's Gulch, the walls of the valley are of thick, brick-red, arenaceous beds in horizontal strata, reaching up nearly one thousand feet above the bottom of the valley. This formation is distinct from the shales and limestone found below, and is probably more recent, and resembles a like formation on the west branch of Mineral Creek in Las Animas Valley, and also in Animas Park.

In the vicinity of Camp 20 occur heavy beds of conglomerate composed of angular fragments of gray limestone of like quality as that found on the right slope of the valley of East River above the cañon.

The high peaks between Deadman's Gulch and East River are of volcanic trachytes.

On descending Deadman's Gulch, outcrops of gray and brown sandstone and black slate are of frequent occurrence. At the point where the trail leaves the gulch a high bluff is covered with blue slate, with a stratum of blue slaty limestone at the base in horizontal position.

One mile above the mouth of Spring Creek, (which the trail ascends,) on the left side, 120 feet above the bottom, is a ledge of gray, brown, and blue granular and crystalline limestone, 65 feet in height and seemingly destitute of organic remains. This formation flanks the valley for a short distance and then dips beneath it. A short distance farther up the stream, on the right side, is a slide of 200 feet, exposing coarse, brown sandy shale, sandstone, and bituminous shale, in which occur *Fusylina cylindrica*, *Spirips lineatus*, and *Spirigera*, *Maconensis*, well-marked coal-measure species. Still further up the stream, the limestone last referred to, with 135 feet of sandy shale and sandstone above it, is seen where the trail leaves the valley.

Immediately after leaving the valley of Spring Creek, there occurred an extensive slope of loose fragments of grayish-brown trachyte. A few hundred yards farther, the mountain-slope is lined, to the height of 250 feet, with hard, compact blue limestone much altered by heat. This formation rests against a porphyritic trachyte, and, where well exposed, it is seen in ranges of large cuboidal blocks. For strength and durability this rock could not well be surpassed.

For the remainder of the day's march, including 5 miles, much of the surface and foot-hills have forms indicating conditions of Spring Creek Valley.

Between Camps 21 and 22 the lower slope of the mountain is composed of gray hornblendic granite.

I visited the gold-mines 14 miles south of Camp 22. The trail leads down Taylor River for 11 miles, when that stream enters a formidable cañon on the right. The trail then crosses the foot-hills over into a circular park 4 miles in diameter, drained by Willow Creek, that passes through a narrow cañon into Taylor River. The places were known as the Cotton, Grass-root, and Union Gulches. The first is exhausted; the second abandoned, and the last is now but feebly worked. Formerly this latter gulch yielded large returns, but now it seems to have become nearly exhausted.

The valley of Taylor River from Camp 22 to the cañon is from one to three miles in width. The low bottoms are boggy and afford fresh, coarse grass. The high grounds are dry with a thick growth of artemisia and cacti. The valley proper and the two tributaries coming in from the left afford a large scope of good grazing. The park too, in which the gold-mines are situated, has some excellent pastural facilities.

The slopes of the mountains are covered with dense growth of spruce-pine, aspen, and fir.

In approaching Lake Creek Pass from the Pacific side we pass for three miles over dunes composed of rounded fragments and bowlders of such rocks as are found in the range of mountains fronting us. From the entrance of the gorge to the summit, a distance of 4 miles, the walls are composed of nearly white hornblende granite. For strength, beauty, and durability, this rock is unsurpassed. The walls on the left of the summit are of red granite and the high peaks of volcanic dolerite. The summit (from an observation) is approximately 11,743 feet above the Gulf. Immediately on descending the Atlantic side the granite becomes micaceous, with irregular beds and mass of mica, slate, and gneiss. The hornblende seems to have segregated into large rhombic crystals, that on a weathered surface stand in relief and impart to the mass the appearance of conglomerates. One mile below Camp 23 occurs a bed of trachyte porphyry, coinciding with the bed of the creek, but the mountain-slopes are of granite with large masses of gneiss. In the latter portion of the day's march the granite becomes less micaceous, but more quartzose. Large rectangular masses of this mineral are often observed in the face of the ledges.

From the mouth of the cañon to the foot of Twin Lakes, a distance of about six miles, the valley bottom spreads out into an area of about fifteen square miles, of which the lakes occupy about three-fourths. The slope of the valley on the left is a series of dunes and undulating ridges rising one above another until they are lost in the mountain-slopes far in the rear. These ridges are often so uniform as to suggest ancient shore-lines. The surface is strewn with water-worn *débris* of rocks whose parent ledges may be found in the mountains of the vicinity. On the rightside the mountain-slopes come down abruptly to the base of the valley.

One mile below Camp 25, on the outlet of the lakes, commences a series of gold-washings. These, with others of more note on the Arkansas River a few miles below, and many lateral gulches, form a mining district of considerable extent. Gold was first discovered here in 1860, and a large amount of work has since been done. Formerly some of these gulches produced well and were remunerative, but now most of them are abandoned. About fifty men are now engaged.

The mountain-slopes are of micaceous granite and craggy below Granite City.

One mile below Camp 26 the valley commences widening out, and in two miles more becomes an undulating plain from two to three miles broad, descending from right to left, with the river running close to the foot-hills. The soil is gravelly and dry, but where irrigated it produces good crops of barley, oats, wheat, and fine potatoes, as the productions of several farms passed prove. The lower slopes of the valley are of disintegrating micaceous granite.

The mountains on the left, for twelve miles below Camp 27, are of micaceous granite, then red porphyry to the end of the day's march. On the right white and brown clays reach 400 and 500 feet up on the mountain-slopes.

Near Camp 28, at the bottom of the valley, is a formation of soft, porous, chalky limestone, 15 feet thick; no organic remains found.

Four miles above Camp 28 the valley is partially closed by a transverse ridge, which is cut by a cañon that once discharged the waters of the Arkansas River, but is now dry and elevated 60 feet above the stream.

Passed several farms where harvesting of oats and barley was in

progress. The crops seemed immature, but in other respects were good. Shocks of wheat were standing in the field. The straw of these crops was short, the grain remarkably plump and firm, and the best fields would yield about ten bushels per acre.

On the right side of the valley the mountain slope is covered with white and yellow clay. On the left, a few miles below Camp 28, the formations change to those of volcanic rocks, including trachyte, dolerite, and hornblendic rocks. The broad valley, for the last three days, terminates at the junction of the south fork of the Arkansas River.

One mile below Camp 28 is a vein of carbonate and oxide of copper in quartzitic slate. No evidence that it is a true lode. Immediately below this is a ledge of gray cherty limestone, three hundred feet in height, much changed by heat. No organic remains found except small fragments of *Cynthophyllum*. This ledge dips rapidly down stream and soon disappears beneath the valley. This is succeeded by hard ferruginous gray and blue sandstone in thick ledges, dipping at an angle of forty-five degrees with the direction of the stream, to Camp 29, a distance of three miles, developing a bulk of many thousand feet.

Soon after leaving Camp 30 the sandstone of yesterday began to thin out, and, on reaching Pleasant Valley, a distance of two hundred and fifty miles, it existed only in fragment ledges on the slopes of the mountains. Volcanic productions assumed the place of sandstone, and in large deposits of coarse, reddish-brown, trachy-dolerite.

The lower portions of the valley, the slopes, are a red micaceous granite with masses of gneiss. The valley averages about one and a half miles in width and seven hundred and fifty long, a portion of which may be irrigated.

Passed several farms with a portion of their crops in the field. The wheat a fine berry and will yield ten bushels per acre.

Pleasant Valley terminates in three formidable cañons. Through the first and largest flows the Arkansas River. Through the next, on the right, the Arkansas receives Spring Creek. One furlong further down the stream, and also on the right, is a dry cañon. These united exhibit an amount of erosion rarely seen in so small a compass. The walls are of red granite with irregular beds of gneiss.

Immediately after leaving Pleasant Valley, the road leads among the foot-hills up to the high table-land. On the right of the river, conglomerate white clays, mixed with gravel and chalky limestone, were observed as high up as eight hundred feet above the valley; wherever we descended below that level, during the day, there were indications of these formations.

Our march to-day was over high and undulating table-lands, as the Arkansas River is reported to flow through a continuous cañon, from Pleasant Valley to Cañon City. In the vicinity of Camp 32 is a ledge of rocks from which I obtained specimens containing diorite and epidote, quartzite, and epidote and feldstone. The trail, like yesterday, passed over high table-lands.

Visited the iron-ore beds on Pine Creek, a branch of Grape Creek, a southern confluent of the Arkansas River. Saw none of the ore in the natural bed, but several low round mounds were covered with rich specimens. These mounds occur at intervals for two miles or more. The ore is associated with dolerite; the mountain in the vicinity seemed volcanic and of this mineral. The walls of the cañon in which we were encamped are of granite with irregular masses of gneiss.

Two miles below Camp 33 we enter a valley six miles long and three miles broad, in which are ledges of brown and yellow sandstone dipping

toward the southwest. Lower down in the valley are also white and other light-colored clays, white compact sandstone, and soft crumbling chalky limestone. The formations are nearly in horizontal position.

The mountain-slopes are of red granite, with veins and clusters of gneiss and rose quartz. At the foot of this valley the walls of both sides of the cañon are broken away, through which the river is approached and crossed.

We again leave the Arkansas River and ascend to the table-lands through a dry cañon. This elevated region differs in none of the essentials of those over which we passed since we left Pleasant Valley.

On descending again later in the day we met heavy formations of limestone dipping at nearly every angle and crowning some of the high foot-hills. These strata are hard, cherty, massive, and compact. They soon disappear with a general dip toward the east. We then pass on to thick beds of conglomerate ferruginous oxides, cementing rounded pebbles and water-worn boulders. These are extensive, in nearly horizontal position, and were the result of forces in operation after the limestone was in position and the valley had been exoded.

Still farther down the valley there occurs thick beds of silicious sandstone and shales, which form prominent features in the left side of the valley to the opening of the plain on the east.

At the mouth of the cañon from which the town takes its name is a thermal spring, with a temperature of 114° F, but its discharge is too limited to be of any great practical benefit, whatever its medicinal properties may be. Within the lower limits is a mineral spring issuing out from under the sandstone. It is also weak in flow but discharges a large amount of gas.

Judging from its taste and the effects on the system, the alkalies are in excess and are consequently not of much medicinal value.

A mound on the prison grounds at Cañon City is composed of light gray, shaly limestone, with *inoceramus problematicus* with two other species and the remains of fishes. These strata stand upon their edges, whether the result of a slide or from some internal convulsions could not be definitely determined.

In passing down the valley on the right side of the Arkansas River, ledges of heavy-bedded brown sandstone constitute the bluff of the stream for nine miles. These are nearly horizontal in position, and seemingly had never been disturbed, but break or cease suddenly, and the cretaceous limestone comes in with a bed of coal 550 feet thick.

I have no evidence to present that this coal belongs to the Cretaceous age. Organic remains of that system are found five feet below the coal bed.

The coal is hard, brittle, and lustrous, reflecting the rainbow hues. It contains a large amount of gas, burns free with a clear blaze, but has too small an amount of fixed carbon to produce an intense heat.

The Colorado Central Improvement Company are the proprietors of these coal-mines, have built a branch road to them, and are shipping.

At Cañon City we realize that we are approaching the great plains on the east. Here the valley widens out to an extensive undulating prairie, which is effectually protected on the north by a range of mountains extending east from Cañon City to Pike's Peak, where it intersects the range flanking the eastern plains.

Several productive farms are cultivated below Cañon City and are irrigated by the water taken from the river.

Résumé.—The economical branch of the reconnaissance was elaborately represented in my journalized report, and therefore needs no

reviewing, but that portion of your instructions relating to incidentals were recorded mainly in specific facts; a further illustration of their correlations may not be irrelevant.

On the 8th of May we started from Pueblo, and before the close of the day came upon limestone of the Cretaceous age. On the three succeeding days, I traced their contiguous formations to near the mouth of the Huerfano Cañon, and classified them into a section. I traced the equivalents of these formations from the mouth of the cañon at Cañon City, down the Arkansas River to Pueblo. Here we have over one hundred miles of very interesting rocks as familiar to me as my own door-yard; having traced them for many miles in Kansas, on a survey of that State. After crossing the Eastern Range, we came into the San Luis Valley. On the very margin, I observed indications that this broad and extensive valley had once been a lake. Along the several lines these indications multiplied into relative facts.

Above Wagon-Wheel Gap we entered a broad valley in which I reported the existence of yellow clay and clay slate of considerable thickness. Next day these were noted in formidable thickness lying against the slope of the mountain.

Above Antelope Cañon are remnants of clay and conglomerate formations reaching nearly up to timber-line, and once filling this portion of the valley.

At lower levels the walls shows the mark of fluviatile action as plainly as if the waters had just receded. These and like phenomena exist in nearly every valley, pointing to forces and conditions that have long since ceased. The volcanic action may be remarked upon as follows: At the exit of the Rio Grande from the mountains, basalt intrusions from below occur, at Camp Loma, volcanic flux from above. Each volcanic center has left its own peculiar deposits; these may readily be distinguished one from another. The frequent change in these elements along our lines, leads me to the opinion that the centers were numerous and limited in extent. Except, perhaps, in one instance, on the Ute trail over the Central Range, the slope of the Saguache Valley has been deluged with volcanic flux from near the summit to the base; that, too, comparatively recently, since the valley was formed.

This volcanic matter I traced to the Cochetopa Valley, where I found it under peculiar circumstances alike novel and instructive, if I should give scope to my imagination. I might locate the center between Cochetopa and Clear Creek Passes.

In a comparative view of the structural relations of the different mountain ranges, the igneous productions are far more predominant than the granitic classes. This remark will apply more particularly to the Pacific slope, where but in one instance a large scope of granite was observed.

We crossed this granite field in five miles—on the high grounds west of Lake Fork, ten miles above Gunnison River, and again on a parallel line in Tumitchi Valley, where it is exposed in ledges of 150 feet. Admitting that the formations of the two valleys coalesce, or are contiguous, it would only make an insignificant area of about 75 square miles.

But immediately after crossing Lake Creek Pass, and attaining the Atlantic slope and the waters of the Arkansas River, granite is the prevailing rock.

On the Pacific slope, too, I found more definite indications among the older rocks of the reconstruction of their disintegrated matters into more definite forms.

In the valley of Tumichi Creek occurs a stratified quartzose formation of 500 feet in thickness, granular at the base, and gradually shading up into a siliceous sandstone of various colors. This formation was observed in the valleys below as far as Taylor River. The igneous rocks are divided between the trappean and the volcanic deposits; the former more often occupies the lower slopes, while the latter often overlaps the former, and occupies the high peaks.

Some of the volcanoes were in active operation long after the other deposits had become consolidated.

On the Ute trail, over the Central Range, the slope of the Saguache Valley was deluged with volcanic flux from near the summit to the base. Fragments of beds of this flux were found in depressions of Cochetopa Valley, indicating it to have been of recent origin, or since the surface had assumed its present form. The thickest beds, however, are found in the Central Range, toward the west, and probably in the direction of the center of dispersion. There are other formations more definite in their characteristics, more recent, and limited to the valleys, but, nevertheless, intricate in their positions.

Between Hamilton and Animas Parks, the right slope of the valley of Las Animas and mountain is covered in large areas by carboniferous formations of the Coal-Measure period. These were classified into a section by Assistant L. Hawn, and embrace over one thousand feet in the aggregate. At the head of Anthracite Creek occurs a bed of anthracite coal in connection with and in the vicinity of thick and massive formations of sandstone, shale, and conglomerates, at an elevation of about nine thousand feet above the Gulf of California. These, like those formations in Las Animas Valley, dip at considerable angles. A preponderance of coal-measure formations exist also along the line of march of the 13th of September, between Camps 21 and 22.

I might also refer to the lesser formations of this period, on the Atlantic slope, in the valley of Sangre de Cristo, but they are fully explained in my journal.

The relative position of these carboniferous formations is readily defined, when it is known that the mountains were forced up into their position at the close of the Carboniferous age, and in many cases carried up with them fragments of that system. The other, or more recent formations, to which reference has been made, are not so easily defined or comprehended. In illustrating, I will endeavor to read the history of the mutations of a park through which Cochetopa Creek, Taylor River, and Ohio Creek run, and their junction at the lower end of the park form Gunnison River. The original condition of the park, with the valleys, were probably mere clefts in the mountain, but the manipulating forces of the elements during five successive ages, including millions of cycles, wore away and formed the outlines much as we now find them. Early in the fifth age and the second condition of the park, it became an estuary of the sea, as the marine deposits prove. The remnants of these deposits were found on the right side of Ohio Creek, three miles above its mouth, consisting of marly clay and slate of the same. The thickest measures about 90 feet, but the indications are that the formation will reach 200 feet, and an altitude of 7,600 feet above the Gulf of California. In the several outcrops I found *Ostea congesta*, and numerous fragments of a fragile inoceramus. These are referable to the earlier productions of the Cretaceous age, and the undoubted equivalent of No. 4 of Messrs. Meek and Hayden's Nebraska section of 1857. It is the next formation in the series above the section classified during the reconnaissances, the formations of which extend in the valley of the Arkansas from Cañon City to Pueblo, thence along the base of the mountains to Huerfano Cañon.

These two formations (Nos. 3 and 4 of Meek and Hayden's sections) are also prominent along the Republican Fork in Kansas, between the 97th and 99th meridians. There seems to have been a coincidence in the level of the ancient cretaceous ocean on the west and east sides of the mountains, as I found a fragment of No. 3 on the slope of the mountains above Boulder City, at about the same elevation as No. 4 on Ohio Creek.

This closes the second condition of the park. To understand the third, it becomes necessary to retrace the line of march back to the junction of Tomitchi and Pass Creek, at an elevation of 8,200 feet, or 600 feet above the cretaceous formation in the valley below. Here we find a white, porous, impure limestone, in irregular strata. This formation is succeeded by others mostly of ashy-gray clay, shales, and soft slates, until it reaches nearly the level of Cochetopa Pass, or an altitude of over 9,000 feet. These formations seem to be destitute of organic remains, but from their lithological characters would consider them of fresh-water origin, and once filled these valleys and closed the third condition of the park. Subsequently the valleys were reopened, and during the process thick beds of conglomerates were formed, fragment ledges of which may be found along the valleys and in the park by the side of, and overlaying, the cretaceous deposits in escarpments of several hundred feet thick. This constituted the fourth period in the the history of the park. With the exception of the cretaceous formation, the history of this park and its valleys is the history of nearly every valley that came under my observation. Exceptions may apply to the valley of Slate River, that was once filled up to near upper timber-line with blue slate, including a range in height of several thousand feet. In this formation I found two worn casts of what once might have been *Inoceramus*. Also Mineral Creek of Las Animas Valley; on the west branch of that stream exists a fine, compact dark maroon limestone, in thick and regular beds, one thousand feet thick and reaching up to near timber-line, or an elevation of 11,000 feet. The main valley and Cement Creek near by had been filled to near the same height with yellow and white clays, and slate, and conglomerates at a lower level. That the waters reached this level in the deposition of the formations now viewed in fragments is obvious; but the great difference in the rocks of the same valley is not so apparent. Equally perplexing are the water-marks, so fresh on the face of ledges as if the flood had but just subsided.

Such evidence exists in the approach to the Cochetopa Pass from the Atlantic side at an elevation and a level but little below that of the pass.

We do not readily comprehend a common level attaining such an altitude at apparently so recent a date, but rather that these valleys were once a succession of lakes with cataracts between. In the course of time the barriers were cut down, and left the streams and cañons as we now find them. All the phenomena connected with this subject are not solved by this hypothesis; probably volcanic agencies modified the conditions. We have seen in the earlier part of this dissertation that at least one volcano has been in active operation since the topographical features of the mountains assumed somewhat the present form. Others have undoubtedly existed up to this time. These avenues of molten floods may have deluged portions of valleys at different times, or created barriers in great arteries, and thus flooded large sections, or even the whole system of tributary streams. These valleys were then filled up as we have seen, to be cut away as the barriers were worn down.

This is not all conjecture. San Cristobal Falls, on Lake Fork of Gunnison River, are precipitated over a bed of trachyte-porphyry. The remnants of a bed of volcanic trachyte were observed low down in Antelope Park Cañon. Porphyritic trachyte was found in the bed of the valley of Lake Creek, midway between Lake Creek Pass and Twin Lakes, and the extensive deposits of lava on the slope of Saguache Valley. Had the latter occurred at a contracted portion of the valley, it would have been sufficient to produce the indicated results.

A list of rocks and fossils collected by F. Hawn, geologist of the Ute reconnaissance in Colorado Territory.

Names.	Localities.	Date.
		1873.
Inoceramus publematicus	Muddy Creek	May 9
Ostria congesta	do	May 9
Graphic granite	Sangre de Cristo Valley	May 13
Gneiss	do	May 13
Granite, (felepathic)	do	May 13
Trachy-dolerite	Sangre de Cristo Mountains	May 13
Trachyte	Camp Loma	May 27
Gray granite	10 miles above Camp Loma	May 30
Wood opal	Camp 22, in green clay	June 6
White granite	Cement Creek, Las Animas Valley	June 13
Brown granite	do	June 13
Feldstone	Lower slopes Las Animas Valley, in Baker's Park.	June 13
Trachy-dolerite	Cement Creek, high peaks in mountains	June 13
Porphyritic trachyte	Baker's Park, high peaks in mountains	June 13
Trachyte	do	June 13
Volcanic tufa	Cement Creek, high peaks in mountains	June 13
Undetermined	do	June 13
Trachyte	Mineral Creek, high peaks in mountains	June 13
Argillaceous slate	West branch of Mineral Creek	June 17
White sandstone	do	June 17
Quartzose slate	do	June 17
Argillaceous quartzite	do	June 17
Argillite	do	June 17
Feldstone	do	June 17
Brown trachyte	do	June 17
Porphyritic trachyte	do	June 17
Basalt	do	June 17
Calcareous rock	do	June 17
Dolerite	do	June 17
Gray granite	do	June 17
Red limestone	do	June 17
Mica slate	Between Cement and Mineral Creek	June 17
Volcanic tufa	High in the mountains, Las Animas Valley	June 17
Productus costatus	Between Hamilton Park and Animas Park, altitude 8,265.	June 17
P. Cord	As above	June 17
P. Reticulatus	do	June 17
Spirifer lineatus	do	June 17
Spirigera subtilita	do	June 17
Gold quartz	Little Giant gold-lodes, Las Animas Valley	June 18
Compact feldstone	Wall Rock, Little Giant gold-lode	June 18
Crystalline feldstone	Baker's Park, Las Animas Valley	June 18
Bituminous coal	Animas Park	June 20
Productus reticulatus Euomphalus latus Gorgonia	Between Hamilton Park and Animas Park, altitude 8,265.	June 23
Productus reticulatus Spirifer liniatus S. Kentuckensis S. Maconensis Spirigera inflatus	Sec. 1, No. 9 and 19, 3 miles below Hamilton Park, Las Animas Valley.	June 23

A list of rocks and fossils collected by F. Hawn, geologist, &c.—Continued.

Names.	Localities.	Date.
		1873.
Mica slate	Cunningham's Gulch, Las Animas	June 26
Red quartzite	do	June 26
Quartzite	do	June 26
Red porphyry	do	June 26
Porphyritic trachyte	do	June 26
Quartz porphyry	do	June 26
Trachyte	do	June 26
Trachy-dolerite	do	June 26
Undetermined	do	June 26
Quartzite	10 miles below Hamilton Park	June 15
Dolerite	South end Animas Park	June 22
Trachyte	Divide between Las Animas and Lake Fork	June 27
Do	Mouth of Godman's Creek, Lake Fork	June 27
Micaceous porphyry	Boundary Mountain, Rio Grande	July 2
Trachyte	do	July 2
Trachyte porphyry	Boundary Mountain, High Peak	July 2
Silver-ore	Lake Fork, near Lower Falls	July 5
Quartzose porphyry	do	July 5
Trachyte	Wall Rock of Lower Falls, Lake Fork	July 5
Trap	Lake Fork Gap	July 7
Agate	Camp 46, Lake Fork Gunnison	July 7
Trachyte porphyry	Between Lake Fork Gap and Lake Fork Cañon	July 7
Feldstone	do	July 7
Feldspar, trap	Camp 47, head Lake Fork Cañon	July 7
Granite	High grounds west of Lake Fork Cañon	July 8
Rose quartz	do	July 8
Gneiss	Camp 49, between Lake Fork and Ute agency	July 9
Trachyte	do	July 9
Iron-ore	do	July 9
Nepheline dolerite	do	July 9
Mica	do	July 9
Pitchstone	do	July 9
Trachyte	do	July 9
Volcanic tufa	do	July 9
Trachy-dolerite	do	July 9
Porphyry	do	July 9
Greenstone trap	do	July 9
Hornblende rock	do	July 9
Brown trachyte	Cañon south of Camp 50	July 10
Do	1 mile above Ute agency	July 10
Gray granite	Camp 52, Pacific slope, Ute trail	July 12
Trachy-dolerite	On the Atlantic slope	July 13
Trachyte	Saguache Valley, between Camps 53 and 54	July 14
Red porphyry trachyte	do	July 14
Gray granite	do	July 14
Trachyte	do	July 14
Red trachyte	High Walls, opposite Camp 55	July 15
Siliceous slate	High Peak, Sagauche Valley	July 15
Trachyte	South end Saguache Valley	July 15
Basalt	Where the Rio Grande leaves the mountains	July 19
Amygdaloid	East of Fort Garland	July 29
Trachyte	do	July 29
Granite	do	Aug. 1
Gneiss	do	Aug. 1
Durite	Sangre de Cristo range	Aug. 1
Porphyry	Sierra Blanca spur	Aug. 12
Trachyte	do	Aug. 12
Quartzite	do	Aug. 12
Jaspery quartz	do	Aug. 12
Granular quartz	do	Aug. 12
Trachy-dolerite	do	Aug. 12
Hornblende slate	do	Aug. 12
Greenstone	do	Aug. 12

A list of rocks and fossils collected by F. Hawn, geologist, &c.—Continued.

Names.	Localities.	Date.
		1873.
Feldstone	Sierra Blanca spur	Aug. 12
Undetermined	do	Aug. 12
Granite	Musca Pass, (Roubideau's Pass)	Aug. 16
Quartzite	do	Aug. 16
Jasper	do	Aug. 16
Argillaceous slate	do	Aug. 16
Flint	do	Aug. 16
Feldstone	do	Aug. 16
Quartzose porphyry	do	Aug. 16
Feldspar	do	Aug. 16
Granular quartz	do	Aug. 17
Metamorphic limestone	do	Aug. 17
Trachyte porphyry	do	Aug. 17
Trachyte	do	Aug. 17
Trachyte	Mouth of Saguache Valley, west side	Aug. 27
Gneiss	Saguache Valley, cut-off road	Aug. 28
Red trachyte	do	Aug. 28
Trachyte	Eastern approach to Cochetopa Pass	Aug. 29
Porphyry	do	Aug. 29
Granite	Lumitchi Valley, Pacific slope	Aug. 31
Porphyry	do	Aug. 31
Quartzite	do	Aug. 31
Hornblende rock	do	Aug. 31
Trachy-dolerite	do	Aug. 31
Hornblende slate	do	Sept. 1
Gray granite	do	Sept. 1
Porphyry	do	Sept. 1
Hornblende trap	do	Sept. 1
Quartzite	do	Sept. 1
Trachy-dolerite	do	Sept. 1
Quartz slate	Cochetopa Valley	Sept. 2
Metamorphic slate	do	Sept. 3
Ostrea congesta	Mouth of Ohio Creek	Sept. 4
Inoceramus, (fragments)	do	Sept. 4
Porphyritic trachyte	Mount Umbraculum	Sept. 5
Syenite	Camp 15, Anthracite Creek	Sept. 6
Volcanic tufa	Camp 15, top of mountain	Sept. 6
Anthracite coal	do	Sept. 6
Porphyritic trachyte	Camp Anthracite Creek	Sept. 6
Feldstone	do	Sept. 6
Syenite	Nigger Gulch Branch, Slate River	Sept. 9
Gray granite	Lone Mountain, on Slate River	Sept. 10
Red granite	Mouth of East River, branch of Slate River	Sept. 11
Gneiss	do	Sept. 11
Quartzite	do	Sept. 11
Calcareous tufa	do	Sept. 11
Red granite	East River Cañon	Sept. 12
Mica	do	Sept. 12
Gneiss	do	Sept. 12
Quartzite	do	Sept. 12
Marble	East River Valley, below cañon	Sept. 12
Trachyte	Dead Man's Gulch	Sept. 13
Porphyritic trachyte	Three miles west of Camp 20	Sept. 13
Limestone	Between Camps 20 and 21	Sept. 13
Fusylina	do	Sept. 13
Spirigena maconenis	do	Sept. 13
Spirifer lineatus	do	Sept. 13
Granite	Valley of Taylor River	Sept. 14
Hornblendic granite	West walls to Lake Creek Pass, Pacific slope	Sept. 16
Red granite	Summit of Lake Creek Pass, Pacific slope	Sept. 16
Mica slate	do	Sept. 16
Dolerite	High peak flanking Pacific slope	Sept. 17

A list of rocks and fossils collected by F. Hawn, geologist, &c.—Continued.

Names.	Localities.	Date.
		1873.
Hornblendic granite	Eastern approach flanking Atlantic slope	Sept. 18
Gneiss	do	Sept. 18
Granite	do	Sept. 18
Trachyte porphyry	do	Sept. 18
Granite, (quartzose)	do	Sept. 18
Quartz porphyry	do	Sept. 18
Hornblende and schoil	do	Sept. 18
Granite, (micaceous)	Granite City, Arkansas Valley	Sept. 21
Granite	Cottonwood Creek, Arkansas Valley	Sept. 23
Porphyry	Camp 28, Arkansas Valley	Sept. 24
Jaspery rock	do	Sept. 24
Diorite	One mile below South Fork, Arkansas River	Sept. 25
Hornblendic rock	do	Sept. 25
Quartzite slate	do	Sept. 25
Trachyte	do	Sept. 25
Quartz and carbonate of copper.	Two miles below the junction of North and South Fork of Arkansas River.	Sept. 26
Carbonite and oxide of copper.	do	Sept. 26
Quartzite slate	Three miles below the forks of Arkansas River	Sept. 26
Red granite	Foot Hills, Pleasant Valley	Sept. 27
Red granite	Pleasant Valley Cañon	Sept. 27
Mica slate	do	Sept. 27
Trachy-dolerite	do	Sept. 27
Feldstone	do	Sept. 27
Quartz porphyry	do	Sept. 27
Diorite and epidote	Texas Creek, Arkansas Valley	Sept. 28
Quartzite and epidote	do	Sept. 28
Granite	do	Sept. 28
Quartz porphyry	do	Sept. 28
Felstone and quartz	do	Sept. 28
Gneiss	Camp 33, Dry Cañon	Sept. 29
Syenitic rock	Eleven miles below Cañon City	Sept. 29
Trap	do	Sept. 29
Dolerite	Pine Creek, eight miles southwest Cañon City	Sept. 29
Iron ore		Sept. 29
Inoceramus problematicus	Cañon City	Oct. 1
I——?	do	Oct. 1
Fish remains	do	Oct. 1

APPENDIX C.—GENERAL TABLE OF INFORMATION.

Main line from Pueblo to Garland.

Date.	Stadia distance from Pueblo.	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of thermometer.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
May 7	10.68	10.68	1	Pueblo		104 36 47.4	38 13 45.77	38 13 45.77					
				Saint Charles	5,130	104 40 13.8	38 05 01.06				Cotton-wood, choke cherry, and willow.	Indifferent	Good.
8	18.14	7.46	2	Muddy Creek	5,560	104 43 52.9	37 59 34.02	38 00 10.7					
9	34.20	16.06	3	Apache Creek	6,490	104 51 54.5	37 48 36.51				Cotton-wood, on streams, box-elder, elm, and cedars.	do	Indifferent. Good.
10	46.83	12.63	4	Badito	6,530	104 59 22.5	37 41 45.83	37 41 51.0			Sage, piñon, pine, and cotton-wood	do	Do.
10	60.83	14.00		Summit Sangre de Cristo Pass.	9,500								
			5	Stem's Ranch	8,941	105 09 59.6	37 35 33.89				Piñon, pine, spruce, and aspen	Good	Do.
11	62.79	15.96	6	Wagon Creek		105 16 20.4	37 29 41.45				Soil poor. Spruce, pine, cedar, juniper, and aspen.	Indifferent	Do.
12	70.36	7.57											
13	81.14	10.78	7	Fort Garland	7,681	105 23 28.8	37 23 17.33	37 23 17.33	46.0	48	Soil better. Cotton-wood, spruce, pine, cedar, juniper, and aspen.	do	Do.

Main line, Rio Grande and Animas Rivers.

(Stadia distance from Fort Garland.)

Date.	Stadia distance from Fort Garland.	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of thermometer.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
			7	Fort Garland	7,681	105 23 28.8	37 23 17.33	37 23 17.33	46.0	48			
May 20	17.25	17.25	8	Sterrit's Ranch		105 41 33.5	37 25 31.70	37 25 43.05	43.0	16	Soil sandy and sterile. No timber	Indifferent	Good.
21	24.75	7.50	9	Jackson's Ranch		105 50 07.1	37 23 17.23	37 27 18.99	57.0	22	Soil fair. Cotton-wood, box-elder, and willow.	Good, but close cropped by cattle.	Do.
22	31.72	6.97	10			105 54 12.4	37 31 34.75		58.0	28	Soil gravelly near river, sandy one mile from river. Timber as above.	do	Do.
23	39.10	7.36	11	Fishe's Ranch	7,675	106 01 31.1	37 33 22.08				Soil as above. Cotton-wood, box-elder, and willow.	do	Do.
24	51.09	11.99	12			106 12 52.1	37 38 14.10	37 37 46.30	49.5	31	Soil as above. Cotton-wood willow, and alders.	do	Do.
25	54.69	3.60		Loma Village									

Main line, Rio Grande and Animas Rivers—Continued.

Date	Stadia distance from Fort Garland.	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of thermometer.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
May 25	55.59	4.50	..	Bridge near del Norte		106 16 44.39	37 38 57.87	37 38 30.07					
25	56.09	5.00	..	Del Norte Town									
25	59.91	8.82	13		7,863	106 20 48.20	37 38 46.02		49.5	22	Soil good. Timber as above and piñon.	Sage on upland, rank grass in bottom.	Good.
26 / 28	70.64	10.73	14	Military Camp Lorna	8,069	106 31 56.60	37 38 4.07	37 38 06.16	50.5	41	Piñon, pine, cedar, and juniper	Good, but close cropped.	Water supplied to camps by a acequia.
29	71.81	1.17	..	Junction of South Fork and Rio Grande.									
29	78.02	6.21	15	Lumberman's Ferry	8,223	106 37 11.79	37 41 10.58		46.25	34	Spruce, cedar, and pine	Indifferent	Good.
30	84.25	6.23	16	Rifle Cañon	8,248	106 42 46.70	37 44 06.32	37 44 07.97	47.0	42	....do	....do	Do.
31	85.68	1.43	..	Junction of Hot Spring Creek and Rio Grande.									
31	86.65	2.40	..	Wagon-Wheel Gap									
31	92.67	8.42	17	Willow Creek Camp	8,577	106 49 19.59	37 47 24.50		54.5	47	Willows only, fuel of driftwood.	Indifferent	Do.
June 1	97.97	5.30	18		8,977	106 54 13.82	37 45 51.81	37 45 44.24	49.0	45	Coniferæ and aspen	Good in bottom	Do.
2	.....	.....	..	Bristol Head	11,820								
3	107.80	9.83	19	On Clear Creek, in Antelope Park.	8,881	107 01 00.18	37 44 28.65		49.5	19	A few piñon on ranges; willows in bottom.	Good	Do.
4	113.64	5.84	20	On Rio Grande	9,004	107 06 00.00	37 42 14.89	37 41 44.49	37.5	21	Spruce, pine, and aspen	Indifferent	Do.
				Mountain summit near Camp 20.	10,600								
5	123.70	10.06	21	Lost Trail, below Box Cañon of Rio Grande.	9,398	107 15 09.81	37 44 17.79		47.5	29	Spruce, pine, and aspen	Good	Do.
6	131.91	8.21	22	Junction of Pole Creek and Rio Grande.	10,385	107 22 29.83	37 44 15.71		51.0	18	Coniferæ and aspen	Indifferent	Do.
7	134.84	2.93	23	On mountain side, Valley of Deep Creek.	11,373	107 25 30.68	37 44 29.93		41.0	22	....do		Do.
8	.....	.....	..	Summit of Mount Canby	13,100								
9	137.14	2.30	..	Summit of Hamilton Pass	12,370								
				Timber line	11,840								
9	138.75	3.91	24	Miners' Rest	10,889	107 28 16.93	37 47 00.68		40.0	21	Coniferæ and aspen	Good, but scarce in steep slopes.	Do.
10	141.13	2.38	25	Near junction of Animas and Cunningham Creeks.	9,609	107 29 52.77	37 48 22.21	37 47 21.36	47.25	31	....do	Good	Do.
12	148.50	7.37	26	Junction of Cement and Animas Creeks.	9,193	107 33 51.09	31 47 06.52	37 46 16.08	47.8	39	Coniferæ and aspen	Indifferent	Mineral taste.
14	151.38	2.88	27		10,227	107 34 39.80	37 44 47.49		43.5	21	Spruce and aspen	Fair	Good.
15	156.84	5.46	28		10,272	107 38 18.03	37 41 54.34	37 41 02.24	47.5	33	....do	....do	Do.
16	160.17	3.33	29		9,911	107 40 29.12	37 40 08.97		44.0	24	Balsam fir and aspen	....do	Do.
16	.....	.....	..	Summit of Engineer Mountain.	13,266								
17	164.50	4.33	30	On Cascade Creek	8,742	107 43 05.20	37 37 50.56	37 36 14.03	54.5	41	Spruce and aspen	Very good	Do.
18	169.39	4.89	31		8,881	107 43 54.31	37 33 55.23		63.0	32	Soil good. Spruce, maple, and cotton-wood.	....do	Do.
19	179.61	10.22	32	Soda Springs, Animas Park	6,853	107 42 35.01	37 25 37.75		72.5	45	Soil sandy. Pine, cotton-wood, oak, and cherry.	Good near river; generally poor.	Do.
20	192.06	12.45	33	On Junction Creek	6,629	107 46 38.33	37 16 01.56	37 14 31.49	67.5	47	Soil sandy. Cotton-wood, willow, pine, oak, cherry, service berry, currant, and gooseberry.	....do	Do.
24	.....	.....		Saint Lawrence Lode, Galena Mountain.	11,972								
				Timber line, Galena Mountain.	11,262								
				Summit of Galena Mountain.	12,978								
				Summit of King Solomon Mountain.	13,873								

Main line of Lake Fork of Grand River.

(Stadia distance from Station 80, of June 3.)

Date													
July 1	.....	.....	41		9,320	106 55 25.47	37 44 44.79		51.5	43	Coniferæ and aspen	Good	Good.
2	6.06	6.06	42	Lake Mary	9,324	107 00 21.00	37 46 35.22		53.0	50	....do	....do	Do.
3	10.81	4.75	..	Clear Creek Falls									
3	15.36	9.30	43		15,580	107 06 58.77	37 52 13.14		50.0	36	Spruce and aspen	Good	Do.
4	17.36	2.00	..	Summit of divide	11,356								
4	20.77	5.41	44		10,416	107 10 31.00	37 55 34.64	37 55 51.42	55.5	41	Spruce and aspen	Good	Do.
5	21.77	1.00	..	San Cristobal Lake									
5	24.77	4.00	45	San Cristobal Falls	8,551	107 12 51.95	37 58 24.04		59.0	48	Spruce, fir, pine, aspen, and few cotton-wood.	Good	Do.
6	25.22	0.45	..	Mouth of Godman's Gulch									
6	35.13	10.36	46		8,532	107 13 29.41	38 07 04.00		65.5	29	Pine, spruce, and aspen	Good	Do.
7	47.00	11.87	47	Head of cañon of Lake Fork.	7,598	107 09 13.38	38 16 43.24	38 16 29.30	61.5	47	Yellow pine, spruce, and cedar	....do	Do.
8	50.65	3.65	..	Divide between Camps 47 and 48.	8,577	107 10 25.99	38 20 52.10		61.0	..			
8	50.93	3.93	48	Humming-Bird Camp	8,365	107 05 37.53	38 15 52.62		54.5	21	Coniferæ	Good	Do,
9	54.93	4.00	..	Soda Springs					78.0	..			
9	60.61	9.38	49		8,625	106 56 44.12	38 13 09.14		61.5	35	Coniferæ and alder	Indifferent	Do.
10	62.46	2.15	..	Summit of divide									
10	63.60	3.29	50		9,620	106 53 15.33	38 12 16.88		54.0	34	Coniferæ and aspen	Good	Do.
11	68.60	5.00	..	Summit of divide									

Main line of Lake Fork of Grand River—Continued.

Date.	Stadia distance from Station 20, June 3.	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of therm'ter.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
July 11	71.35	7.75	51	.....	9,150	106 46 05.71	38 10 50.96	.....	56.0	38	Coniferæ and aspen.....	Good.....	Good.....
12	73.05	1.70	..	Ute agency on the Los Pinos Creek.	.....	.....	.....	.....	.....	..	.....	.....	.....
12	76.05	4.70	..	Summit of divide, between Los Pinos and Tumitchi.	9,482	.....	.....	.....	.....	..	.....	.....	.....
12	77.20	5.85	..	Tumitchi Creek	.....	.....	.....	.....	.....	..	.....	.....	.....
12	83.44	12.09	52	.....	9,337	106 34 04.39	38 08 52.75	38 08 50.87	55.0	36	Coniferæ and aspen.....	Good.....	Good.....
13	86.54	3.10	..	Summit Cochetopa Pass. (trail.)	9,903	.....	.....	.....	.....	..	.....	.....	.....
13	95.59	12.15	53	Saguache Creek.....	8,446	106 24 03.74	38 04 54.99	38 06 35.8	59.5	43	Pine, spruce, and aspen.....	Good.....	Good.....
14	109.39	13.80	54	.....	8,105	106 10 53.33	38 04 59.35	.....	67.5	29	Cotton-wood, piñon, and willows	....do	....do .....
15	116.77	7.38	55	Near Saguache.....	7,710	106 03 35.60	.....	.....	68.0	40	Cotton-wood, piñon, and alders	....do	....do .....
16	124.77	8.00	..	Springs	.....	.....	.....	.....	.....	..	.....	....do	....do .....
16	132.92	16.15	56	Carnero Creek	7,808	106 08 35.82	.....	.....	62.5	23	Soil gravelly, sandy, and arid....	Indifferent	....do .....
17	135.92	3.00	..	Garcia Creek.....	.....	.....	.....	.....	.....	..	Alders and willows	....do	....do .....
17	146.81	13.89	..	Bridge at Del Norte.....	.....	106 15 43.95	37 41 01.28	37 38 30.07	.....	..	.....	.....	.....

Side line from Camp No. 47 down cañon of the Lake Fork.

(Stadia distance from Camp 47.)

July 8	1.40	1.40	..	Crest of hill above cañon	84.57	.....	.....	.....	.....	..	Cedar and oats.....	.....	.....
8	5.92	5.92	..	.....	.....	107 10 25.99	38 20 52.10	.....	.....	..	.....	.....	.....

Main line, (second series.)

(Stadia distance from Camp No. 53, 1st series.)

Aug. 29	.....	.....	..	Camp No. 53, (1st series).....	.....	.....	.....	.....	.....	..	.....	.....	
29	8.72	8.72	7	.....	8,680	106 28 09.39	38 11 31.02	.....	65.0	38	Aspen and scattering coniferæ on mountains.	Good.....	Good.
30	11.82	3.10	..	Summit Cochetopa Pass, (wagon road.)	9,834	106 30 55.52	38 12 53.42	.....	.....	..	.....	.....	
30	18.37	9.65	8	Pass Creek.....	8,860	106 36 35.84	38 14 28.18	.....	59.0	46	Soil good. Coniferæ and aspen.	Good.....	Do.
31	23.37	5.00	..	Junction of Pass Creek with Tumitchi Creek.	.....	.....	.....	.....	.....	..	Artemisia, coniferæ, and cotton-wood.	.....	.....
31	29.59	11.22	9	Cotton-wood Creek.....	8,375	106 39 22.79	38 21 47.35	.....	61.0	34	Soil sterile. Piñon and willow; five cotton-wood trees.	Indifferent	Do.
Sept. 1	38.69	9.10	10	Junction of Cochetopa and Quartz Creek.	7,800	106 39 00.19	38 29 42.37	38 28 43.41	55.5	29	Artemisia, coniferæ, cedars, and cotton-wood.	Good and abundant.	Do.
2	41.69	3.00	..	Junction of Cochetopa and Tumitchi Creek.	.....	.....	.....	.....	.....	..	.....	.....	.....
2	42.95	4.26	11	On Cochetopa Creek.....	7,785	106 42 57.02	38 30 55.32	.....	63.0	34	Bottom good; slopes stony. Alders, coniferæ, aspen, and cotton-wood.	Good.....	Do.
3	51.63	8.68	12	Junction of Taylor River and Ohio Creek.	7,700	106 50 15.69	38 34 10.10	38 33 14.69	56.0	48	Poor soil. Cotton-wood and alders.	....do	Do.
4	64.93	13.30	13	.....	8,400	106 55 18.70	38 44 20.52	38 44 23.06	52.5	41	Soil good, but arid. Cotton-wood and few coniferæ.	....do	Do.
5	72.63	7.70	..	Summit of divide	.....	.....	.....	.....	.....	..	.....	.....	.....
5	73.83	8.90	14	.....	9,715	106 58 58.62	38 51 40.96	.....	51.0	34	Soil poor and swampy. Coniferæ and aspen.	Good.....	Do.
8	73.83	.....	17	Camps 17 and 14 are the same.	9,715	106 58 58.62	38 51 40.96	.....	.....	..	.....	.....	.....
9	79.42	5.59	18	Junction of Nigger Creek and Slate River.	8,850	106 52 52.49	38 52 50.77	38 50 37.10	52.0	38	Good soil. Coniferæ and aspen.	Thrifty on slopes.	Do.
11	86.22	6.80	..	Junction of East Fork of Slate River.	.....	.....	.....	.....	.....	..	.....	.....	.....
11	87.36	7.94	19	Cañon Creek	8,600	106 46 41.46	38 49 11.96	.....	53.0	39	Soil stony. Coniferæ and aspen.	Fair	Do.
12	95.61	8.25	20	Deadman's Gulch.....	10,415	106 42 10.08	38 51 31.52	.....	45.0	30	Soil good. Coniferæ and aspen.	Good.....	Do.
13	107.47	11.86	21	In Swampy Glade.....	10,010	106 33 35.60	38 54 55.08	38 53 14.94	41.0	36	Soil sour. Thrifty coniferæ	Poor marsh grass	Do.
14	110.34	2.87	22	Taylor River.....	9,660	106 32 07.29	38 57 04.42	.....	52.0	48	Soil good. Coniferæ and aspen.	Good	Do.
				Red Mountain Pass	12,208	.....	.....	.....	.....	..	.....	.....	.....
				Wedge Mountain	13,350	.....	.....	.....	.....	..	.....	.....	.....
				Mount Rowtor	13,750	.....	.....	.....	.....	..	.....	.....	.....
16	119 54	9.20	23	On Lake Creek.....	10,774	106 29 02.62	39 04 52.39	.....	48.0	34	Soil stony. Coniferæ and aspen.	Good, but scarce.	Do.
18	129.20	9.66	24	Twin Lakes, (west end)	9,350	106 20 37.05	39 07 36.81	.....	49.5	32	Soil good, but gravelly. Coniferæ, aspen, and cotton-wood.	....do	Do.
20	134.89	5.69	25	Twin Lakes, (east end).....	9,310	106 15 27.37	39 07 32.27	.....	45.0	32	Soil upland, dry; bottom good. Coniferæ, aspen, and cotton-wood.	Indifferent	Good.
21	138.89	4.00	..	Granite City	.....	.....	.....	.....	.....	..	.....	.....	.....
21	146.64	11.75	26	Arkansas River.....	8,610	106 10 20.72	38 59 51.88	.....	56.75	36	Soil upland, dry; bottom good. Coniferæ, aspen, and cotton-wood.	Indifferent	Slightly alkaline.
23	156.91	10.27	27	Cotton-wood Creek.....	8,235	106 07 35.98	38 52 23.95	.....	52.5	43	Soil good where irrigated. Pines and cotton-wood.	....do	Do.
24	175.15	18.24	28	.....	7,620	106 02 49.60	38 36 24.40	38 35 11.27	63.5	39	Soil good where irrigated. Cedar, piñon, and cotton-wood.	....do	Slightly brackish.
25	184.14	8.99	29	Arkansas River, junction of south fork.	.....	105 57 08.27	38 29 08.37	.....	.....	..	Soil dry and sandy. Piñon and cedar.	....do	Do.
26	191.84	7.70	30	In cañon	.....	105 50 14.85	38 25 50.40	.....	.....	..	Rocky. Piñons, cedar, oak, cotton-wood, pine, and willow.	No grass	Do.

Main line, (second series)—Continued.

Date.	Stadia distance from Camp No. 53, (first series.)	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of therm'ter.	Soil and timber.	Grass.	Water.
1873.						° ′ ″	° ′ ″	° ′ ″	°	°			
Sept. 27	203. 42	11. 58	31	Pleasant Valley	.....	105 42 32. 31	38 17 19. 93	.....	.....	..	Soil good. Piñons, aspen, and cotton-wood.	Indifferent	Good.
28	212. 14	9. 32	32	Texas Creek	.....	105 34 19. 38	38 15 50. 65	.....	.....	..	Soil good. Yellow pine and cedar.	....do	Brackish.
29	224. 38	11. 64	33	Webster Cañon	.....	105 24 54. 12	38 23 07. 68	.....	.....	..	Soil dry. Yellow pine, poplar, oak, and cotton-wood.	....do	Do.
30	232. 51	8. 13	34	Truss bridge	.....	105 20 59. 52	38 28 22. 32	.....	.....	..	Soil dry. Yellow pine	....do	Do.
Oct. 1	240. 29	7. 78	35	Near Cañon City	.....	105 13 44. 37	38 24 38. 70	38 23 57. 30	.....	..	.....do.....	....do	Do.

Side line from Camp No. 14 (second series) to Camp No. 16, (second series.)

(Stadia distance from Camp 14, second series.)

Sept. 5	.....	.....	14	.....	9, 715	106 58 58. 62	38 51 40. 96	.....	.....	..	.....	.....	
6	4. 37	4. 37	15	Anthracite Creek	8, 750	107 02 06. 08	38 51 36. 88	.....	.....	..	Spruce, fir, pine, and aspen	Vegetation exuberant; fine indigenous oats.	Good.
7	8. 01	3. 64	16	.....	9, 030	107 55 14. 15	38 53 15. 11	.....	.....	..	Very fine, large, coniferæ and aspen.	Timothy, clover, blue joint, and lichens.	Do.
.....	.....	.....	..	Mount Mill	12, 350	.....	.....	.....	.....	..	.....	.....	

Side line up Washington Gulch from Camp No. 18, (second series.)

(Stadia distance from Camp 18, second series.)

Sept. 10	4. 00	4. 00	..	Extremity of line	.....	106 53 15. 86	38 53 39. 12	.....	.....	..	Spruce, fir, pine, and aspen	Good	Good.
10	.....	.....	..	Timber line Lone Mountain	12, 000	.....	.....	.....	.....	..	.....	.....	
10	.....	.....	..	Summit Lone Mountain	12, 275	.....	.....	.....	.....	..	.....	.....	

Line from Fort Garland over the Musca Pass.

(Stadia distance from Fort Garland.)

Aug. 12	7. 02	7. 02	1	.....	7, 640	105 28 48. 11	37 27 40. 54	.....	71. 0	30	Soil gravely, sandy, and arid *...	Indifferent.....	Fair.
13	16. 34	9. 32	2	.....	7, 825	105 33 27. 83	37 34 05. 70	.....	64. 0	24	....do	....do	Good.
				Timber line of Sierra Blanca	10, 410								
14	27. 04	10. 70	3	At entrance to pass	7, 960	105 28 04. 17	37 42 05. 74	.....	67. 5	19	Soil good *.....	Good, but scarce.	Do.
15	28. 23	1. 19	4	In cañon	8, 593	105 26 45. 21	31 41 59. 06	.....	54. 5	15	....do	.....	Do.
16	30. 23	2. 00	..	Summit of divide	9, 353	105 24 45. 45	37 42 19. 00	.....	.....	..	....do	.....	Do.
16	34. 72	6. 49	..	Farthest point reached on east side of divide.	.....	105 19 51. 87	37 42 07. 32	.....	.....	..	....do	Good	Do.

* Timber: Spruce, fir, aspen, pine, and piñon; on the mountain slope, artemisia; in the valley, yellow pine.

Line from Camp No. 28 (second series) over the Puncho Pass.

(Stadia distance from Camp No. 28, second series.)

Sept. 25	7. 30	7. 30	..	South Fork of the Arkansas	.....	.....	.....	.....	.....	.....	.....	.....	
25, 26	14. 26	14. 26	1	.....	9, 178	106 04 21. 77	38 25 40. 48	.....	56. 5	35	.....	Good, but scarce.	Good.
26	15. 00	0. 74	..	Summit of divide	9, 353	.....	.....	.....	.....	..	.....	.....	
27	29. 36	15. 10	..	Kerber Creek	.....	.....	.....	.....	.....	.....	.....	.....	
27	30. 86	16. 60	2	On San Luis Creek	8, 080	106 03 13. 27	38 14 45. 70	.....	51. 5	49	.....	Good	

Reconnaissance of Mr. H. G. Prout up the Taylor River and down the Roaring Fork.

(Distance from Camp No. 22, main line.)

Sept. 15	15. 00	15. 00	..	Head of tributary of West Fork of Taylor River.	10, 860	.....	.....	.....	.....	..	.....	.....	
15	16. 00	16. 00	..	Summit of divide	11, 671	.....	.....	.....	.....	..	.....	.....	
15	24. 00	24. 00	1	On Roaring Fork	10, 393	.....	.....	.....	.....	..	Spruce	Good	Good.
16	26. 00	2. 00	..	Big Fork	9, 695	.....	.....	.....	.....	..	.....	.....	
16	33. 00	9. 00	..	Noon camp	8, 970	.....	.....	.....	.....	..	Spruce, aspen, oak, maple, cotton-wood, choke-cherry, and service-berry.	.....	
16	43. 00	19. 00	2	Camp on Roaring Fork	8, 230	.....	.....	.....	.....	..		Good	Good.
17	54. 00	11. 00	3	.....	8, 010	.....	.....	.....	.....	..		.....	
18	62. 00	8. 00	..	Noon camp	7, 224	.....	.....	.....	.....	..	.....	.....	
18	65. 00	11. 00	..	Farthest point north	9, 249	.....	.....	.....	.....	..	.....	.....	

Reconnaissance of Mr. H. G. Prout up the Animas and down the Lake Fork of Grand River.

Date.	Stadia distance from Camp 25.	Stadia distance from last camp.	Number.	Name.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of therm'ter.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
June 25	3.45	3.45	..	Eureka Gulch	.....	.....	.....	.....	.....	..	.....	.....	
25	7.20	7.20	..	Picayune Gulch	.....	.....	.....	.....	.....	..	.....	.....	
25	9.00	9.00	..	Forks of the Animas	10,581	.....	.....	.....	.....	..	.....	.....	
25	.....	.....	..	Timber-line	11,130	.....	.....	.....	.....	..	.....	.....	
25	10.45	10.45	..	Summit of divide	12,150	.....	.....	.....	.....	..	.....	.....	
25	.....	.....	..	Timber-line	11,730	.....	.....	.....	.....	..	.....	.....	
25	16.00	16.00	1		10,300	.....	.....	37 54 42.37	.....	..	Spruce	Good	Good.
25	.....	.....	..	Crest of cañon	9,712	.....	.....	.....	.....	..	.....	.....	
25	.....	.....	..	Bottom of cañon	9,375	.....	.....	.....	.....	..	.....	.....	
26	20.00	4.00	..	Snare Creek	.....	.....	.....	.....	.....	..	.....	.....	
26	22.00	6.00	..	Delusion Park	.....	.....	.....	.....	.....	..	.....	.....	
26	23.00	7.00	..	Noon Camp	9,141	.....	.....	.....	.....	..	Spruce and cotton-wood	.....	
26	32.50	16.50	2		8,730	.....	.....	.....	.....	..	Yellow pine, alders, and willows	Fair	c.
27	33.90	1.40	..	Upper Falls	.....	.....	.....	.....	.....	..	.....	.....	
27	39.50	7.00	3		.....	.....	.....	37 56 11.22	.....	..	Spruce and aspen	Good	Do.
28	55.10	15.60	..	Return to Camp No. 39 of main party.	.....	.....	.....	.....	.....	..	.....	.....	

Side line down Crooked Creek.

June 28	10.5	10.5	39	Camp near Franklin's Ranch	.....	.....	.....	.....	.....	..	Soil good; coniferæ and aspen.	Good	Good.

Side line up the south fork of the Rio Grande.

(Stadia distance from Camp Loma.)

June 29	4.10	4.10	..	White-Tail Deer Creek	.....	.....	.....	.....	.....	..	Spruce, cedar, and pine	Good	Good.
	6.50	6.50	..	Extremity of line	.....	107 36 20.38	37 34 38.31	.....	.....	..	.....	.....	

Side lines in Baker's Park.

(Stadia distance from Station 96, main line.)

June 23	4.37	4.37	..	Line up Eureka Gulch	.....	107 31 46.77	37 49 15.71	.....	.....	..	Coniferæ and aspen	None	Good.

(Stadia distance from Station 88.)

June 24	2.00	2.00	..	Line up Maggie Gulch	.....	107 26 04.12	37 46 54.97	.....	.....	..	Coniferæ and aspen	None	Good.

Line up Cunningham Gulch.

(Stadia distance from Station 71, main line.)

June 26	1.40	1.40	37	Cunningham Valley	10,113	107 28 59.06	37 45 07.56	.....	49.5	30	Soil poor. Coniferæ and aspen	Fair	Good.
26	.....	.....	..	Timber line	11,504	.....	.....	.....	.....	..	.....	.....	
27	2.80	2.80	..	Summit Cunningham Pass	11,801	107 27 39.04	37 43 36.05	.....	57.0	..	.....	.....	
27	5.40	5.40	..	Rio Grande, below Camp No. 23.	.....	.....	.....	.....	.....	..	.....	.....	

Line up the Little Giant Gulch.

(Stadia distance from Camp 26.)

June 20	.....	.....	..	Little Giant Company's mill	9,863	.....	.....	.....	52.2	31	Bare-slide rock. Aspen and coniferæ.	None	Good.
24	4.75	4.75	..	Extremity of line	.....	107 30 29.92	37 45 58.40	.....	.....	..	.....	.....	

Line up Mineral Creek, North Fork.

June 14	.....	.....	1	Campbell's Camp, No. 1	9,385	107 34 17.72	37 48 08.25	.....	46.75	41	Soil good. Coniferæ and aspen.	Fair	Mineral taste.
16	5.20	5.20	..	Extremity of line	.....	107 33 36.60	37 51 43.26	.....	.....	..	.....	.....	

Reconnaissance of Mr. H. G. Prout up the Animas and down the Lake Fork of Grand River.

Line up Cement Creek.

Date.	Name.	Number.	Stadia distance.	Stadia distance.	Altitude.	Stadia longitude.	Stadia latitude.	Astronomical latitude.	Mean thermometer.	Range of therm'ter.	Soil and timber.	Grass.	Water.
						° ′ ″	° ′ ″	° ′ ″	°	°			
June 18	Campbell's Camp, No. 2	2	7.50	7.50	10,153	107 34 17.72	37 48 08.25		46.7	39	Soil good. Coniferæ and aspen	Fair	Mineral taste.
19	Extremity of line					107 33 36.60	37 51 43.26		46.7	39			

(Stadia distance from Campbell's Camp 1.)

June 17	Extremity of line up Mineral Creek, (south fork.)		5.70	5.70		107 40 30.88	37 43 09.11				Coniferæ and aspen	None	Mineral taste.

APPENDIX E.—SUBTABLES OF MINOR DETAILS.

Hamilton Pass.

Number of profile series.	Feet distant from last station.	Miles distant from Station 0.	Barometer reduced to 32°.	Altitude.	Remarks.
0			20.406	10,385	Camp No. 22.
1	8,002.1	1.52	20.159	10,720	
2	2,300.0	1.76	20.124	10,736	
3	1,948.3	2.32	20.024	10,887	
4	1,832 0	2.67	19.964	10,966	
5	1,628.6	2.97	19.654	11,373	Camp No. 23.
6	5,039.6	3.93	19.309	11,826	
7	7,209.0	5.29	18.924	12,370	
8	8,700.6	6.94	20.019	10,894	Camp No. 24.
9	1,666.8	7.26	20.364	10,441	
10	11,109.9	9.35	21.017	9,609	Camp No. 25.

Musca Pass.

0			22.388	7,960	Camp No. 3.
1	900.6	0.17	22.340	8,017	
2	1,176.6	0.39	22.280	8,087	
3	1,469.5	0.67	22.155	8,235	
4	1,263.7	0.91	22.030	8,383	
5	1,611.1	1.21	21.843	8,607	Camp No. 4.
6	1,584.4	1.51	21.710	8,767	
7	1,744.4	1.84	21.535	8,979	
8	1,744.4	2.27	21.460	9,044	
9	1,247.9	2.60	21.430	9,108	
10	1,247.9	2.83	21.390	9,156	
11	3,266.2	3.46	21.230	9,353	
12	2,028.2	3.84	21.360	9,193	
13	3,736.6	4.55	21.650	8,840	
14	4,446.6	5.39	21.670	8,815	
15	7,235.2	6.76	21.840	8,610	
16	3,300.0	7.39	21.850	8,598	
17	2,400.0	7.84	21.900	8,539	

Lake Fork from Camp No. 47 to crest of Great Cañon.

0			22.686	7,598	Camp No. 47.
1	5,413.6	1.02	22.238	8,123	
2	2,278.6	1.45	22.228	8,135	
3	1,796 8	1.79	21.958	8,457	
4	3,130.2	2.39	22.008	8,397	
5	5,182.2	3.37	22.058	8,337	
6	2,800.0	3.90	22.158	8,218	

Cochetopa Pass, (wagon-road.)

0			22.224	8,446	Camp No. 53, (first series.)
1	19,213.6	3.64	22.250	8,415	
2	2,100.0	4.03	22.210	8,462	
3	2,300.0	4.47	22.180	8,497	
4	1,540.0	4.76	22.160	8,521	
5	3,126.2	5.35	22.080	8,616	
6	1,719.0	5.68	22.040	8,663	
7	5,240.0	6.67	21.930	8,795	
8	800.0	6.82	21.900	8,831	
9	4,907.2	7.75	21.840	8,903	
10	1,475.0	8.07	21.800	8,951	
11	420.0	8.34	21.760	8,999	
12	960.0	8.52	21.720	9,047	
13	665.0	8.65	21.680	9,095	
14	1,050.0	8.85	21.648	9,132	Camp 7.
15	8,836.3	10.54	21.580	9,217	
16	695.0	10.65	21.420	9,412	
17	1,155.0	10.87	21.350	9,498	
18	1,381.5	11.13	21.270	9,596	
19	1,179.6	11.35	21.160	9,732	

Cochetopa Pass, &c.—Continued.

Number of profile series.	Feet distant from last station.	Miles distant from Station 0.	Barometer reduced to 32°.	Altitude.	Remarks.
20	536.4	11.46	21.120	9,782	
21	321.9	11.52	21.060	9,856	
22	295.4	11.58	21.020	9,906	
23	367.1	11.64	21.010	9,918	
24	878.5	11.79	20.940	10,006	
25	426.3	11.89	20.880	10,081	
26	518.1	11.99	20.930	10,019	
27	1,340.6	12.24	21.080	9,831	
28	3,706.6	12.94	21.300	9,559	
29	1,930.2	13.31	21.360	9,485	
30	774.2	13.46	21.380	9,461	
31	679.5	13.58	21.400	9,436	
32	1,810.0	13.93	21.420	9,412	
33	2,000.0	14.31	21.450	9,375	
34	1,750.0	14.64	21.460	9,363	
35	1,160.0	14.86	21.480	9,338	
36	3,740.0	15.56	21.520	9,290	
37	1,230.0	15.80	21.560	9,241	
38	11,100.0	17.90	21.600	9,192	
39	4,940.0	18.80	21.740	9,023	

NOTE.—These altitudes are deduced from readings of aneroid referred to Camp No. 53, and differ considerably from heights found if referred to mean at Fort Garland.

Cochetopa Pass, (trail.)

0			21.235	9,337	Camp No. 52.
1	4,492.1	0.85	21.080	9,527	
2	12,500.5	3.20	20.780	9,903	
3	15,531.0	6.16	21.110	9,489	
4	31,829.2	12.17	21.967	8,446	Camp No. 53.

Red Mountain Pass.

0				9,660	Camp No. 22.
1	1,360.0	0.258	21.030	9,652	
2	1,555.0	0.363	21.060	9,614	
3	1,079.4	0.567	20.980	9,724	
4	1,879.0	0.923	20.940	9,764	
5	1,003.4	1.113	20.880	9,839	
6	892.2	1.282	20.810	9,927	
7	1,318.1	1.532	20.640	10,143	
8	6,725.8	2.805	20.300	10,578	
9	3,825.2	3.530	20.460	10,372	
10	1,893.0	3.888	20.240	10,656	
11	1,932.8	4.255	20.060	10,890	
12	2,720.9	4.770	19.740	11,312	
13	611.2	4.886	19.550	11,565	
14			19.440	11,713	Timber line, western slope.
15	3,650.4	5.577	19.110	12,208	
16	3,948.4	6.325	19.680	11,438	
17	1,194.4	6.551	19.740	11,358	
18	3,104.2	7.139	19.840	11,226	
19	1,809.4	7.482	19.920	11,074	
20	906.7	7.653	19.960	11,021	
21	2,740.8	8.173	20.060	10,890	
22	2,497.1	8.645	20.100	10,838	
23	2,018.8	9.028	20.140	10,786	
24	1,716.1	9.353	20.149	10,774	Camp No. 23.
25	794.2	9.504	20.150	10,773	
26	476.4	9.594	20.180	10,734	
27	1,611.9	9.895	20.240	10,656	
28	1,438.4	10.171	20.310	10,565	
29	2,447.3	10.635	20.360	10,501	
30	2,037.1	11.021	20.410	10,436	
31	2,543.7	11.502	20.460	10,372	
	3,461.7	11.969	20.490	10,334	

Red Mountain Pass—Continued.

Number of profile series.	Feet distant from last station.	Miles distant from Station 0.	Barometer reduced to 32°.	Altitude.	Remarks.
32	406.4	12.026	20.520	10,295	
33	708.4	12.161	20.550	10,257	
34	405.5	12.238	20.590	10,206	
35	1,306.3	12.485	20.630	10,155	
36	1,369.1	12.744	20.640	10,142	
37	1,162.8	12.964	20.670	10,100	
38	3,924.6	13.708	20.710	10,054	
39	3,940.4	14.454	20.720	10,041	
40	915.9	14.628	20.760	9,990	
41	3,790.6	15.346	20.810	9,927	
42	759.4	15.488	20.840	9,890	
43	2,615.8	15.985	20.920	9,789	
44	6,450.6	17.207	20.930	9,777	
45	4,945.0	18.143	21.080	9,589	
46	2,948.4	18.701	21.273	9,350	Camp No. 24.

Puncho Pass.

0			22.520	7,620	Entrance of Pass at bridge over South Fork of Arkansas.
1	3,089.0	0.58	22.440	7,950	
2	739.4	0.72	22.340	8,067	
3	858.1	0.89	22.300	8,114	
4	1,098.1	1.09	22.260	8,161	
5	974.7	1.28	22.240	8,184	
6	1,544.5	1.57	22.220	8,208	
7	3,537.1	2.24	22.040	8,421	
8	2,794.4	2.77	22.010	8,457	
9	1,997.9	3.13	21.930	8,553	
10	1,108.8	3.36	21.910	8,576	
11	1,486.2	3.64	21.860	8,636	
12	2,355.8	4.09	21.810	8,696	
13	1,925.9	4.45	21.740	8,781	
14	1,519.2	4.73	21.680	8,853	
15	2,438.3	5.01	21.620	8,926	
16	1,450.5	5.29	21.560	8,999	
17	2,680.5	5.79	21.440	9,145	
18	2,492.2	6.27	21.360	9,243	Camp 1.
19	2,454.4	6.73	21.280	9,342	
20	1,890.2	7.09	21.273	9,353	
21	1,694.7	7.40	21.300	9,317	
22	2,546.6	7.89	21.340	9,268	
23	1,897.9	8.25	21.360	9,243	
24	1,221.3	8.48	21.455	9,133	
25	6,289.3	9.67	21.580	8,974	
26	3,196.5	10.28	21.660	8,877	
27	6,826.5	11.57	21.730	8,793	
28	2,645.0	12.07	21.800	8,708	
29	5,191.7	13.06	21.880	8,612	
30	3,696.2	13.76	21.950	8,529	
31	3,560.0	14.43	21.970	8,505	
32	6,342.9	15.63	22.060	8,398	

Red Mountain Pass—Continued.

Number of profile series.	Feet distant from last station.	Miles distant from Station 0.	Barometer reduced to 32°.	Altitude.	Remarks.
32	406.4	12.026	20.520	10,295	
33	708.4	12.161	20.550	10,257	
34	405.5	12.238	20.590	10,206	
35	1,306.3	12.485	20.630	10,155	
36	1,369.1	12.744	20.640	10,142	
37	1,162.8	12.964	20.670	10,100	
38	3,924.6	13.708	20.710	10,054	
39	3,940.4	14.454	20.720	10,041	
40	915.9	14.628	20.760	9,990	
41	3,790.6	15.346	20.810	9,927	
42	759.4	15.488	20.840	9,890	
43	2,615.8	15.985	20.920	9,789	
44	6,450.6	17.207	20.930	9,777	
45	4,945.0	18.143	21.080	9,589	
46	2,948.4	18.701	21.273	9,350	Camp No. 24.

Puncho Pass.

0	.....	.....	22.520	7,620	Entrance of Pass at bridge over South Fork of Arkansas.
1	3,089.0	0.58	22.440	7,950	
2	739.4	0.72	22.340	8,067	
3	858.1	0.89	22.300	8,114	
4	1,098.1	1.09	22.260	8,161	
5	974.7	1.28	22.240	8,184	
6	1,544.5	1.57	22.220	8,208	
7	3,537.1	2.24	22.040	8,421	
8	2,794.4	2.77	22.010	8,457	
9	1,997.9	3.13	21.930	8,553	
10	1,108.8	3.36	21.910	8,576	
11	1,486.2	3.64	21.860	8,636	
12	2,355.8	4.09	21.810	8,696	
13	1,925.9	4.45	21.740	8,781	
14	1,519.2	4.73	21.680	8,853	
15	2,438.3	5.01	21.620	8,926	
16	1,450.5	5.29	21,560	8,999	
17	2,680.5	5.79	21.440	9,145	
18	2,492.2	6.27	21.360	9,243	Camp 1.
19	2,454.4	6.73	21.280	9,342	
20	1,890.2	7.09	21.273	9,353	
21	1,694.7	7.40	21.300	9,317	
22	2,546.6	7 89	21.340	9,268	
23	1,897.9	8.25	21.360	9,243	
24	1,221.3	8.48	21.455	9,133	
25	6,289.3	9.67	21.580	8,974	
26	3,196.5	10.28	21.660	8,877	
27	6,826.5	11.57	21.730	8,793	
28	2,645.0	12.07	21.800	8,708	
29	5,191.7	13.06	21.880	8,612	
30	3,696.2	13.76	21.950	8,529	
31	3,560.0	14.43	21.970	8,505	
32	6,342.9	15.63	22.060	8,398	

Utes

for 1873. 1874

~~pose our entire territory to-day is not too large when the marked increase in stock~~ raising is considered. If the improvement in this industry continues, and there is every reason to believe it will, in a few years our people will find their domain too small, and if we sell the country now occupied by the Seminoles, the young and rising generation of Creeks may find themselves restricted in territory, and debarred from the pursuit of a livelihood in the manner which is most agreeable to their natural instincts and habits of life. Such being my convictions I would respectfully submit that, in the negotiations with the United States commissioners, it would be unwise on our part to relinquish the strip of land sought of us to be ceded. If the Seminoles prefer to remain where they are, rather than there should be a further disintegration of our territory, let them remain in the homes they have made on Creek soil and submit themselves to the jurisdiction of the Creek government. The Creeks and Seminoles are a people of one language and the same blood. There are many Creeks living among the Seminoles, and many Seminoles among the Creeks; and if the proposed arrangement could be perfected it would be hard to discover whereby either would be injured.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington City, April 18, 1872.

SIR: This Office is in receipt of a communication from Agent Breiner, under date of the 2d instant, transmitting one from the chief of the Seminole Indians, setting forth that the Creeks had informed the Seminoles that, according to the recent survey, the latter are upon the lands of the former, and can only remain there by becoming subject to the Creek laws. That No-case-yau-holer Judy, of the Wewoka district, has, in obedience to instructions received from the chiefs of the Creeks, notified them that they must conform to the requirements of the Creek laws, &c., and adding that, in consequence of such interference in their affairs, they are greatly alarmed.

In view of the foregoing you are instructed to inform the Creek authorities that, until the question of the Seminole district shall have been settled by the Department, the Seminoles must not be interfered with.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

F. S. LYONS, Esq., *United States Indian Agent, present.*

G.

REPORT OF E. P. GOODWIN, J. A. CAMPBELL, AND S. R. HOSMER, SPECIAL COMMISSIONERS TO INVESTIGATE FACTS CONNECTED WITH THE "RAWLINS SPRINGS MASSACRE," IN WYOMING TERRITORY, IN JUNE, 1873.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS:

The special commission appointed to investigate the facts relating to the killing of a number of Indians near Rawlins Springs, Wyoming Territory, on the 28th of June last, have the honor to submit the following report:

In the absence of the Hon. N. J. Turney, and the non-arrival of his successor, Stephen R. Hosmer, esq., in accordance with the instructions of the honorable Secretary of the Interior, Gov. John A. Campbell and Rev. Edward P. Goodwin commenced the investigation at the earliest practicable moment after the notification of their appointment.

It seemed to us of first importance to secure the testimony of the parties at Rawlins as principals in the affair; accordingly we visited that place, and on the 21st and 22d of July took the sworn statements of the persons who seemed to have most connection with, and knowledge of, the matter. Following that, we proceeded to Fort Steele and took the evidence of Lieutenant Rogers, who visited the spot where the fight occurred, under the direction of General de Trobriand, and noted facts of importance connected therewith.

On the 24th of July we met Mr. Littlefield, Indian agent for the Utes, by appointment, at Laramie, and took his sworn statement respecting the non-participation of the Utes in the fight.

Returning to Cheyenne we were joined by Commissioner Hosmer, who had arrived during our absence. In view of certain reports communicated to Governor Campbell

the treaty, the Seminoles were found to be occupying and living on Creek soil, and even after the establishment of the boundary line by the United States survey, and according to the express terms of the treaty, and with full knowledge of the facts, the Seminoles continued to make improvements, and the United States Government, with the same knowledge of the facts and treaty stipulations, has caused the new Seminole agency buildings to be erected on Creek soil."

The national council, in October last, instructed the principal chief to communicate with the Seminole authorities and invite them to Okmulkee to negotiate a basis of settlement, in regard to that portion of our domain their people were occupying. The following is a part of the resolution passed by the last national council directly touching the Seminole question:

"*And be it further resolved*, That, in order to arrive at such a basis of settlement, the principal chief of the Creek Nation is hereby instructed and fully empowered to proceed upon negotiations with the United States authorities.

"*And be it further resolved*, That, should the principal chiefs and Seminole authorities arrive at a satisfactory basis of settlement, he is hereby authorized to instruct a delegation to adjust this question with the Government of the United States after the manner agreed upon with the Seminoles."

I appointed the 12th day of November, 1872, as a time for a conference at this place. The Seminole authorities did not see proper to meet us at the time and place proposed; but I received a communication from the chiefs that they declined "because the question at issue was one of such great importance to their people, and involved, as they believed, questions which they had no power to control or determine." Subsequently the Seminoles appointed a delegation to go to Washington City, and make known their wishes to the United States Government. Thus this important matter remains unsettled and in the same position that it did at the last session of the national council.

On the 9th of May last I addressed a communication to Major E. R. Roberts, United States agent for the Creeks, informing him of the preparations being made to erect the agency buildings for the Seminoles, on Creek soil, and requested him, as the agent of the Creeks, to have building of the agency postponed, until the question at issue between the Seminoles and Creeks should be adjusted. In reply Major Roberts states as follows, relative to the occupancy of a portion of the Creek soil by the Seminoles tribe of Indians: "I have the pleasure to state that, under act of Congress approved March 3, the honorable Secretary of the Interior has appointed a commission, consisting of three members, to visit and negotiate with the Creeks for the cession to the United States of such portion of their country as may have been set apart in accordance with treaty stipulation for the use of Seminoles, &c., found to be east of the line separating the lands from the Creek reservation."

I also received a letter from Hon. Enoch Hoag, superintendent of Indian affairs, in which he states that he was in receipt of a letter from one of the commissioners appointed to negotiate with the Creeks for the purchase of a strip cut off from the Seminole reserve by a recent survey. Mr. Hoag states that the commissioners in behalf of the United States were T. C. Jones, of Ohio, John M. Millikin, and himself, and proposed an early day in July last as the time to enter into negotiations. I replied to Hon. E. Hoag, in a communication dated June 16, last, that I could not name a day earlier than the first Tuesday in October, at which time the national council met, and which alone had jurisdiction in the matter of negotiations with the United States commissioners. Now at this time the presence of the United States commissioners is expected for the object as indicated in act of Congress approved 3d March last, and I respectfully recommend that your honorable body take action providing for a special commission to meet and confer with the United States commissioners, giving them full power to negotiate under such instructions as your wisdom and a proper regard for our honor as a nation, and the best interests of our people and their prosperity will suggest.

In connection with this subject it is not inappropriate to remind you that many years ago the Muskokees lived east of the great Mississippi River, the father of waters, and were the undisputed possessors of a vast territory, whose extent, compared with our present limited domain, makes the latter appear insignificant. But our people made treaties with the United States Government, until they became dispossessed of all those grand possessions, and then emigrated to the far West in the hope of securing peaceful and permanent homes; but since coming here they have continued to make treaties with the United States Government, and in 1856 parted with a large portion of their new domain; again, in 1866, they sold to the United States one-half of the then Creek territory, and now the United States again wishes us to sell them a considerable portion of our already too greatly reduced domain.

It is true the Creek domain as it now is may appear a considerable territory on the map, and exhibit an area larger than the needs of our population if closely farmed in cereals and other field crops; but we know a large portion of it is mountainous and swampy, unfit for any valuable purpose except as grazing ground, and for that pur-

by Dr. Daniels, Indian agent for the Northern Arapahoes, Sioux, and Cheyennes, we arranged for a meeting on the 30th of July at Red Cloud agency with certain Arapahoes, said to have been in the party fired upon, as also with such of their chiefs as could be induced to be present.

On our arrival at the agency we found, much to our disappointment, that Dr. Daniels was absent; that none of the Arapahoes said to be concerned in the affair had been notified, or were within reach. We were compelled accordingly to be content with the second-hand statements made to some of the Arapaho chiefs, more particularly Plenty Bear and Black Bear's son, (known as Black Whiteman,) by members of the party on their return.

The names of the whites engaged in the affray, copies of all the evidence taken, and statements made, are herewith submitted to the Department.

Passing to the results of the investigation, it appears beyond doubt that the Indians concerned were not Utes, as at first supposed, but Arapahoes. The party of whites who did the shooting undoubtedly believed the Indians to be Utes. But the admission of the Arapahoes that they were the party, their grief for the loss of their dead, and their demand for the return of the ponies and guns lost, and for compensation to be made to the relations of the Indians killed, would seem to be decisive.

And with this agrees the statement of Agent Littlefield that the Utes knew nothing definitely of the fight; that none of their number were either killed or missing, and that no feelings of resentment or hostility had been aroused among them.

It is the conviction of the commission that the affair was very nearly what it would appear to have been from the sworn statements of the Rawlins party. The version given by the Arapahoes differs materially from these, as was to be expected. But neither their account of the movements of the Indians prior to the fight nor their explanation of the fighting was satisfactory, while their proverbial disregard for truth even in matters of trifling importance, according to their agent, makes their statements of little worth compared with the sworn and agreeing testimony of the whites.

The truth would seem to be that a party of Arapahoes, made up largely of young braves, eager to win distinction, took the war-path for a raid upon their traditional enemies, the Crows; that, hearing while on their way that there had been a recent fight with the Crows by a party of Arapahoes and Cheyennes, they concluded that it would not be wise to make the attack proposed, and decided to attack the Utes instead; that they turned their course to the south for that purpose, and crossed the railroad ten or twelve miles west of Rawlins; that some of their party captured two horses belonging in Rawlins while out at pasture; that two of their number concealed in the sagebrush near the road, the rest being in advance and on the bluffs or hills to the south, espied a young man coming with a four-mule team; that they concluded suddenly to capture the team, and accordingly fired upon and wounded the boy in the foot; that he returned the fire, and hastening back to Rawlins gave the alarm, whereupon a party of ten, headed by the sheriff of the county, started immediately in pursuit; that they supposed the Indians to be Utes and followed them, not with the intention of making an attack upon them, but of ascertaining who they were, that they might inform the agent and urge upon him the necessity of keeping the Indians in his care upon their reservation; that, on overtaking them, or rather heading them off, the next morning, the Indians claimed to be Utes; that the whites recognized and positively identified two horses as belonging to citizens of Rawlins; that they insisted on the surrender of the horses, and upon the Indians refusing to give them up they insisted upon their return with them to Rawlins to meet the agent of the Utes then expected there; that the Indians declared they would not go; that they denied also the shooting of the boy, charging it upon the Arapahoes; that while the whites were seeking to persuade them to return to Rawlins the Indians suddenly drew their pistols and firing behind them as they rode, spurred their horses into the bushes; that the whites returned the fire, killed and mortally wounded four of their number, captured eleven horses and one Winchester rifle, and came back to Rawlins; that the Indians buried two of their dead where the fight occurred, and two on their way back; that they abandoned the proposed expedition against the Utes, and immediately returned, not to the agency, but to the Indians farther north, and that they now claim the surrender of the lost horses and gun, and also that presents be given to the relatives of those killed in the fight.

As is shown by the evidence, the investigation sought to ascertain exactly how the trouble originated, and precisely who were the aggressors. The result is, in the judgment of the commission, that the whites do not appear to be blameworthy. Their evidence was positive and agreeing that no old grudges existed which they were anxious to avenge; that there had been no difficulties with either Utes or Arapahoes due to recent gambling or horse-racing; that the members of the party were not intoxicated when the fight occurred, and that there was no liquor with the party; that there was no ill will from any cause felt toward the Indians, but that, on the contrary, a consultation was held before coming up with the Indians, wherein it was agreed that they would not attack them unless themselves attacked; that the Indians fired the first

shots, and they returned the fire in self-defense; and furthermore did not pursue the Indians after they took to flight.

The commission are therefore of the opinion that the trouble was wholly due to a war expedition growing out of an ancient feud between the Arapahoes and the Utes, which expedition was in direct violation of the treaty ratified by the Northern Arapahoes and Cheyennes in 1868, whereby they bound themselves not to cross the Platte nor go beyond the limits of their reservation, hunting excursions alone excepted.

It is therefore the judgment of the commission, that no just claim can be set up on the part of the Indians, either for the return of the captured property or for damages incurred by the fight. And the commission find it difficult to see how such claim can be entertained without putting a virtual premium on the very elements of willful lawlessness which it is the prime object of all Indian treaties to repress.

At the same time the commission readily perceives that, with reference to future dealings, it may be deemed politic by the Department to conciliate the Indians by the restoration of the captured horses. But it is felt that this should only be done coupled with the emphatic declaration by the Department, that the Indians had justly forfeited all claim to the property; and they should further be made to understand, that the Government cannot be expected to keep its pledges while they break theirs; and that, therefore, with every violation of their agreements, they must expect not only the censure of the Government, but the penalty which such violation entails.

As to the best means to prevent such collisions in the future, concerning which it is made the duty of the commission to report, the commission desire to express themselves with great diffidence. They feel that such a question goes to the root of the whole Indian policy, and that to have clear and decisive opinions, and to be sure that these are wisely settled, where so many and so delicate questions are involved as is the case respecting the relations of whites and Indians on our frontiers, is no easy thing.

Nevertheless the investigation made by them has developed and deepened in the minds of the commissioners certain convictions which they venture to express for the consideration of the Department.

First, then, it appears to the commission that it would be a helpful step in the management of Indian affairs to have the various reservations surveyed at the earliest practicable day, and their boundaries and limitations thoroughly and permanently established so far as may be practicable; it is greatly to be desired that such boundaries should be the natural ones of mountains, streams, divides, and the like. The Indian finds great difficulty in getting right notions of imaginary lines of latitude and longitude. The consequence is, that he is easily betrayed into violations of treaty stipulations, both as respects invasion of the territory of the whites and that of other Indians; and naturally out of such disregard of lines and boundaries, sooner or later, trouble comes.

2. Another and fruitful source of "irritation" is the practice of issuing passes or permits whereby Indians, individually or in small parties, are allowed to go beyond the limits of their reservations.

Such permits are always liable to abuse by offering temptations to thievishness, predatory forays among the whites which provoke retaliation and excite bad blood, and similar raids coupled with more hostile intent upon other Indians. And the facts go to show that in many if not in a majority of instances, Indian nature is not proof against the temptation held out, nor white nature proof against the prejudice aroused, and in consequence outbreaks occur.

The general feeling along the frontier is strongly against the system, and your commission feel certain that it is productive of more mischief than good and should be done away.

3. Your commission venture further, and raise the question whether it would not be a great gain to so shape the policy of the Department as to prohibit at an early day all going beyond the bounds of their reservations by the Indians for whatever purpose. This would interfere, we are aware, with the hunting privileges now enjoyed, and would hence be, without doubt, strenuously opposed by the various tribes enjoying such immunities. But there can be little debate as to the value of such a prohibition in preventing the collisions which under the present order of things continually occur.

Through the opening of the Pacific Railroad, with its connections, these hunting-grounds of the Indians have been thrown open to settlers and immigration is rapidly pouring in. The mining-districts also, which border the reservations, are rapidly filling up; the result is that the hunting expeditions of the Indians find, on the one hand, increasing difficulties in their path as respects the securing of game, and on the other increasing temptations to run off stock, pillage, and commit depredations generally; and the likelihood of collisions and troubles with the settlers and other whites is obviously very much enhanced by the multiplied opportunities afforded of procuring liquor, indulging in gambling, horse-racing, and other vices to which the Indian is prone, and out of which almost inevitably mischief and often bloodshed comes.

Furthermore, it is the clear policy of the Government, as witnessed in all treaties with the Indians, to induce them, at the earliest possible day, to give up their roving

and predatory habits, and, instead of relying upon the always uncertain supply of game, to become cultivators of the soil with permanent homes, and thus gradually, under the influence of labor-schools and other appliances of Christianity, cease to be a savage, and become a civilized people.

Obviously, this is the only way in which, apart from utter extermination, a complete end of Indian troubles can ever be hoped for; and this involves the necessity of a surrender, at some time, by the Indians, of the present privilege of hunting beyond the limits of their reservations. It seems therefore to your commission that the true interests of both whites and Indians imperatively demand that the policy of confining the Indians to their reservations be steadily and strenuously urged; and whenever difficulties should occur in the application of such policy, as they doubtless would, especially in its initiation, it would seem to your commission better to secure its establishment by increasing the amount of annuities or of supplies granted than to take the risk of pillage and bloodshed inseparable from the present system. And if the expense of such a policy were deemed by any an objection thereto, it ought to be sufficient answer to say that by the witness of experience, it is vastly cheaper to feed the Indians than to fight them. So the honor of the Government must be maintained and the beneficent ends it proposes, as respects both whites and Indians, be realized. The avoidance of collisions is cheap at any price.

4. But the most prolific cause of trouble remains to be noted. It is the fact, attested by our conferences and witnessed to by both Indian agents and officers of the Army who have had most acquaintance with the tribes, that there is neither any organic unity among them, nor any recognized permanent and responsible headship. The Indian chiefs, certainly among the Sioux, Cheyennes, and Arapahoes, with whom we had more particularly to do, are the braves, who, by their prowess and daring, have won renown and made themselves leaders by a kind of popular acclaim. They are, however, clothed with no authority, have no control over their respective tribes other than their personal influence, and hence can only lead and act for them to the extent of their ability to persuade the Indians to accept their views. At any time a rival may arise, and, either by his eloquence or his deeds, wrest away the chieftainship and become the chosen leader of the people. The consequence is that the tribal headships are incessantly changing, and hence what has been agreed to under one chief is repudiated under another, or sometimes part of a tribe will cling to one chief and abide by his counsel, and part adhere to another, and thus two authorities come to exist, each supreme in its sphere, and yet in direct antagonism as upon such a question as that of peace or war.

Naturally enough the Indian transfers this notion of obligation into his dealings with the Government, and accordingly thinks himself freed from the compacts entered into by his chiefs whenever these change their opinions, as they so often do, or whenever other chiefs with differing views get the people's ear and usurp their place. Further, because of the lack of anything like tribal unity and hence of tribal responsibility, they deem themselves not bound by the engagements of their chiefs unless they personally concur in the desirableness of what is done.

In illustration of such notions, the commission found that the Arapahoes interviewed by them did not consider themselves bound by the treaty of 1868, mostly because they had not personally agreed thereto, and partly because another set of chiefs, who had not been parties to the treaty, had, since its ratification, come into power. And that this is the prevalent Indian notion of obligation, would appear from the fact that no demand for the surrender of Indians known to have committed depredations or outrages upon the whites can be enforced anywhere upon the frontier. Your commission have been repeatedly assured, alike by the officers of the Territory of Wyoming and those of military posts situated therein, that they are powerless to secure the apprehension of such wrong-doers, although their delivery by the Indians upon demand by the proper authorities is one of the first provisions of every treaty.

So long as such ideas obtain, it must be obviously impossible to ratify treaties that will be of any avail. Indeed, it is more than doubtful whether, among all the numerous tribes or bands throughout this region, a single treaty is to-day regarded by the Indians supposed to be obligated thereby as of binding force in all its stipulations: while they insist stoutly upon the full measure of all the pledges entered into by the Government, they seem to think themselves privileged to be their own judges of the good faith to which they are held. And thus it happens that, in the main, the only force of these compacts with the various tribes is with those who are either in sympathy with the objects they propose, or who have discernment enough to see that conformity to the treaty is their only sure means of securing the bestowals of the Government.

In this state of things, something more is needed to insure peace than a reliance on the good faith of the Indians in carrying out the provisions of the treaties made with them. As in the case of the Rawlins fight, or the more recent massacre of two white women in the Sweet Water country, in just so far as they dare, the Indians will follow

their own likings, and in spite of all compacts engage in forays upon each other, or in pillaging and murdering the whites.

The remedy for this unfaith and its consequent disorders, it may not be easy to point out. But after a careful survey of the difficulties involved, and comparison of the views entertained by citizens, Indian agents, and officers of the Army, your commissioners offer a few suggestions.

1′. It is a matter of especial satisfaction that, so far as appears, whatever the difficulties of this vexed question, they are not due to any failure on the part of the Government to perform its part in the compacts made. On the contrary, while hardly an agreement has been fully observed by the Indians, and many clear provisions have been repeatedly disregarded, no invasions of Indian territory by whites have been allowed, no annuities withheld, no supplies cut off. In fact, the Government has acted throughout, not merely with scrupulous fidelity, but with marked forbearance and generosity.

2′. It is clear, however, that, in carrying out the policy of the Department, too much emphasis cannot be laid upon the necessity of having agents of unquestionable ability and integrity. Their position is, in its nature, one wielding a prodigious influence, and capable of being made potential for good or ill, according as those who occupy it are men with or without the true qualifications for the place. The men imperatively needed are those fully in sympathy with the policy of the Government, above all suspicion of dishonesty, and possessed of a good share of discretion, tact, and sound sense. For standing, as they do, close to the Indian, it is clear that, however wise and beneficent the measures proposed by the Department, they may fail utterly of success, through either the cupidity or the stupidity and blunders of the agent.

3′. It may be questioned whether the present rate of compensation is sufficient to insure men of the ability demanded for such an important trust. Too often, it would appear, the scant salary of the agent becomes a temptation to practices which cost the forfeiture of the confidence of both whites and Indians; and when this occurs, as it sometimes does, the very medium through which the Government seeks to dispense benefits becomes a source of continual mischief. One unprincipled agent can counterwork the whole Department, and foment troubles which it will require years of treasure and blood to subdue.

4′. Your commission are further persuaded that the various Indian agencies might be so used as to constitute probably the most effective of all instrumentalities in the realization of those beneficent results which it is the aim of the present Indian policy to secure. Whatever the Indian fails to understand, he understands clearly the argument of supplies. Year by year it is becoming plainer to nearly all the tribes that they are dependent upon the Government for food and clothing. Take away the supplies now furnished, and it hardly admits of doubt that a full half of the Indians of this region would be faced by starvation. They could not dispossess other tribes of their hunting-grounds, and they could not possibly support themselves on their present reservations.

If, now, the various Indian agencies were instructed to make the issue of their supplies and the payment of annuities conditioned upon the Indians keeping strictly within their reservations, and upon their prompt surrender of all perpetrators of wrong, it is evident that a most potent argument for justice and good order would be brought to bear.

So keenly felt already is the dependence upon the Government for material for tepes, for blankets, and clothing; and so urgent, especially, is the demand for food, that it is firmly believed by your commissioners that few tribes or bands can be found in these reservations which a rigid application of such a rule would not ultimately bring to terms.

Of course the enforcement of such a policy would demand the support of the military arm of the Government. But it is idle to think that any policy can be made effective without such support. And it is the opinion of military officers whose long experience among the Indians qualifies them to judge, that only a small force of soldiers would be needed to secure each agency against possible attack. It was, for example, the judgment of officers at Fort Laramie that a single regiment, with two pieces of artillery, would be ample to protect the Red Cloud agency from all uprising among the 12,000 or 14,000 Indians supplied therefrom.

5′. Finally, if, in connection with such a policy, a provision could be made whereby each tribe or each cluster of agreeing tribes could have some thoroughly competent and honest attorney appointed by the Department, whose duty it should be, in all cases of violation of treaties, or of collision or other difficulty with the whites, to conduct the case in behalf of the Indians before the territorial or other courts having jurisdiction, it is the opinion of your commissioners that great good would result.

Such an attorney would serve effectually to protect the Indians against the undue influence of prejudice and animosity so often felt upon the frontier. And, at the same time, he would avail more and more, as he secured the confidence of the Indians, to restrain their propensity to retaliation for supposed wrongs; to cultivate among them true ideas of obligation, and to establish over them the full supremacy of law.

In conclusion, your commissioners desire to express their acknowledgments to Gen-

eral de Trobriand, of Fort Steele; General Bumford, of Fort Russell; and General Smith, of Fort Laramie, with the officers of their respective commands, for valuable assistance rendered, and many courtesies received, while engaged in the investigation.

We have the honor to be, very respectfully,

Edward P. Goodwin,
J. A. Campbell,
S. R. Hosmer,
Special Commissioners.

Cheyene, Wyo., August 9, 1873.

for 1873. 1874.

Snake River, where a trader by the name of Charles Perkins succeeded in decoying away a small party of them by trading to them whisky, causing much trouble at the agency for the first time since I have been in charge. Chief Jack narrowly escaped with his life, having been shot at three times by Peah, head chief of the tribe, whose special agency is at Denver. During the excitement succeeding the attack of the Rawlins men on a band of Arapahoes, at Pine Grove Meadows, and the Indians having been mistaken for Utes, they remained perfectly passive and quiet. They were guilty of no acts of violence upon the employés, and have maintained a quiet, orderly demeanor when the excitement along the border of the Territories of Colorado and Wyoming was at a fever heat. When I reached Rawlins, July 11, 1873, I found the people of both Territories excited to an extraordinary degree with apprehensions of a general Ute war; and the various conflicting stories and irreconcilable reports that had been put forth by the press were fully credited, which made, for the time being, matters very critical with us here. Douglass and his chiefs knew nothing of the events at Pine Grove Meadows to a certainty, but were told, on what was regarded as the most reliable authority, that they had been the sufferers in the killed and wounded in this affair; yet for at least two weeks they preserved a quiet and calm demeanor; and when he, with thirty of his warriors, went to Snake River, and Mr. James Baker, the old pioneer of the mountains, gave his opinion to them that it must have been Arapahoes and not Utes, without any positive knowledge on his part, they quietly returned to the agency to await further developments. Since that time the Utes have declared to me their gratitude to the Rawlins men for intercepting and driving back this band of Arapahoes, their most inveterate enemies, and when at the time they were attacked by the Rawlins men [they] were on the trail to White River to murder and scalp the squaws and children and steal their stock, as the Sioux did to the Pawnees this summer. At the time they were camped at Pine Grove Meadows the larger portion of the Ute women and children were camped near William's Fork, on the reservation, the warriors away hunting, and they would have fallen an easy prey to these murderous Arapahoes, armed with their Sharp's and Winchester rifles. If these predatory bands of Arapahoes, Sioux, and Cheyennes are to be allowed to make these raids on the friendly Indians, I would suggest that a fort be erected near the northern limit of the reservation; it would serve to protect the friendly and well-disposed Indians from molestation, and likewise cause the Utes to remain within the limits of their reservation.

The sanitary condition of the Indians has been very good, in comparison with last year. Our chief, Sawachewicket, an Indian doctor, and four others are all that have died that I have any knowledge of; and in comparison with last year the mortality has been light. They have been better supplied with clothing, and seem to desire to have things more in accordance with the usages of civilized life. Chief Uncachief asked to have his squaw buried according to our Christian custom, and she was so interred, the employés assisting at the burial.

No complaints or disturbances of any kind have occurred at any time during the past year, with the one exception mentioned above, caused by whisky. I am not aware of a single instance of crime having been perpetrated during the past year within the limits of the reservation. One instance of suicide, which I mentioned in a former report, having occurred, caused by depression and consequent derangement of mind.

In educational matters I have nothing to report. There was some interest manifested during the winter by a few young men; but owing to the fact of not having school-buildings suitable, and the want of interest on the part of the Indians generally, I felt it my duty to discontinue the school for the present, trusting that after we shall have erected suitable buildings it will be re-opened, and some good accomplished through the agency of a school. Only a boarding-school of an industrial character is practicable in the present stage of Ute development.

I have the honor to be, very respectfully, your obedient servant,

J. S. LITTLEFIELD,

United States Indian Agent, White River Ute Indian Agency, Colorado Territory.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

43.

Utes

LOS PINOS AGENCY, COL.,
September 26, 1873.

SIR: I have the honor to submit herewith my second annual report of the condition of affairs at this agency.

This report was necessarily delayed a few weeks on account of the pending negotia-

tions with the Indians under my charge for a portion of their reservation, during which I had to make a trip of inspection to the territory about to be ceded. I returned from this trip on the 21st instant, and all the Utes then at the agency signed the treaty. I am in hopes, and have made the necessary arrangements, to have the requisite number of males sign before Congress meets, so that the treaty can go into effect at the commencement of the next fiscal year. It is unnecessary for me to go into details in regard to the treaty just concluded, as Mr. Brunot, commissioner, will report upon this. The country ceded by the Utes, including, as it does, probably the most extensive and richest mining district in the United States, embraces about four million acres of land, of very little value to Indians, being unfit for agricultural purposes and devoid of game, but of almost incalculable value to Colorado and the nation. A strip, fifteen miles in width, along the line of New Mexico, embracing agricultural land only, has been reserved for the southern bands, and I would respectfully recommend that at an early date, as contemplated in the new treaty, an agency be established for these southern bands upon this strip of reservation, which would obviate the necessity of continuing the agencies at Terra Amarilla and Cimarron, New Mexico. The Utes are rather inclined to agricultural pursuits, while the Tabequaches prefer to hunt and probably engage in pastoral pursuits.

During my presence upon the land just ceded, I found that quite a number of persons, in anticipation of a favorable result of the pending negotiations, had gone beyond the mountains to locate farming-claims and town-sites. As it will be necessary to survey the line dividing the strip of farming-lands from the mountainous portion just ceded, and as the whole agreement has to be ratified by both houses of Congress, before even upon the ceded lands pre-emptors can establish title, I promptly ordered all persons away from the southern portion until the line is clearly established. Upon the movements of the miners, however, in the mountainous portion I placed no restrictions.

There are several other matters connected with this agreement for the early settlement of which it has been found desirable, almost necessary, that some of the representatives of the Ute people should see the authorities at the seat of Government. I have, therefore, received instructions from Commissioner Brunot to take a delegation to Washington. These matters are of great importance to the Utes, and will permanently settle all misunderstandings. Among others, the establishment of a military fort, at least during summer, upon the portion of the territory just ceded is desired by the Utes. The question whether this agency should be removed to a place further west had better be discussed at Washington, and the question of the right of the Cimarron or Muache Utes to absent themselves from the reservation must be settled at once. I shall leave therefore all these matters in *statu quo* without recommendations until after the visit of this delegation, which will take place next month.

I am enabled this year to report approximately the number of Indians belonging to this agency. By noting and counting all fresh arrivals during this summer, I find that the following number of Utes of the different bands have actually visited the agency for the purpose of obtaining supplies, and to attend the council with United States commissioners, viz:

Tabequaches, 423 men, 557 women, 1,024 children; Muaches, 78 men, 113 women, 256 children; Capotes, 26 men, 31 women, 72 children; Weminuches, 23 men, 19 women, 41 children. Total, 550 men, 720 women, 1,393 children.

Of this number, the Weminuches were only represented by a small portion of their tribe, and their number may be estimated by the best and most authentic advices as 250 in all; but of the other three tribes it is fair to surmise, by actual knowledge and information from the chiefs, that seven-eighths of the whole have visited the agency; and so by adding one-eighth to the above figures (see statistical tables) I arrive at a result which I think is correct.

During the year no act of the Indians prejudicial to their known friendship has come to my knowledge; on the contrary, any collision with the whites has been studiously avoided by them. The first act of Ouray, the principal chief, this spring, when miners began to overrun their reservation, and the military authorities rather assisted these intruders, was to give strict orders to all his people not to interfere with any person whom they might meet, but to keep away from that part of the reservation where the mines are located. This order was issued by him in anticipation of a satisfactory arrangement with the Government in regard to this land, and it was strictly obeyed by his people. None of the many prospecting and mining, none of the scientific, military, and territorial surveying parties were molested, but, on the contrary, were sheltered and fed by the Indians in time of need.

The majority of the Indians remained on the reservation during the year, subsisting themselves six months of this period. The only band which was absent for some time was Kaneatache's of Muache Utes. On their return from the buffalo country, last spring, they stopped at the Cucharas River, about 120 miles east of this agency. Quite an excitement was created by the settlers in that neighborhood; many rumors were set afloat in the local newspapers of depredations committed and preparations for war made by them, so that it was thought necessary by the War Department to

arm the settlers and send troops from Leavenworth, Kansas, to the locality mentioned The whole thing was a farce, and it exploded as soon as troops arrived; a few Utes (ten lodges) were found on the Cucharas, not enough to make war upon a single rancho. Still the object looked for by the complainants was attained; the soldiers afforded them a market for their spare provisions; each man had a nice breech-loading rifle, and immigration for another season was kept away from this section of Colorado, where the residing settlers want to keep as large an area of public lands as possible as a range for their herds.

So ended the great Cucharas war; but it teaches the lesson that as long as whiskey is sold in that neighborhood to the Indians, so long will these Indians go there. The only way to stop future complications of this kind is to give the agent power to remove such Indians as go buffalo-hunting during winter to the reservation, as soon as they return in the spring.

The Department has previously been notified that one of the murderers of Agent Miller has been killed by the Utes themselves and it is desired by them that his partner in the crime may be punished by the authorities in like manner. The Indians have certainly proved in this instance that confidence may be placed in their word, and that they will not allow the acts of individuals to bring the name of the tribe in disrepute.

Of the Rawlins affair, in which several Utes were reported murdered in cold blood, by rowdies and outlaws, who frequent the line of the Union Pacific Railway, it is unnecessary in this report to speak, as no Utes were killed after all. The conduct of the Indians, when everybody supposed the outrage to have been committed upon them, and when even the western newspapers for once denounced the act, was most commendable, as in solemn council they repudiated any idea on their part of retaliation, and left the punishment of these men to the Government. All these acts tend to show an increasing friendship on the part of the Utes for their white neighbors, and an increasing desire to comply with the wishes of the Government. I wish I could speak likewise of their desire to be civilized and become self-supporting by labor. My efforts in this regard have been persistent, and tending to encourage beginners; still the progress is slow, and it will take several years before their old prejudices can be eradicated.

The school established at this agency a year ago as an experiment, upon a very infirm basis, has been quite successful. During the early summer months, when the Indians had their camp in close proximity to the agency, great interest was manifested, and as many as twenty children attended the day-school at one time, while about forty scholars were enrolled. The small-pox appearing at the agency forced me to order the camp away several miles, and, in consequence, the attendance afterward was rather limited; the boarding scholars have made excellent progress, especially in the English language, and from their progress I expect favorable results in influencing other children to attend the day-school.

Agriculture in the neighborhood of this agency, on account of the altitude, is a decided failure. On the Uncompagre, Dolores, and La Plata streams, good crops have been raised by the few Indians living there, and several besides those who farmed last year have been induced to settle down; still, the abundance of game offers such great attraction to the majority of this people that necessity only will drive them to be tillers of the soil. They all understand that they will be obliged to do so at no very distant day, and they become more and more accustomed to this idea, and for this very reason they positively refused to sell their farming and grass lands at the late council.

Of the stock-herd belonging to the Indians in common I can report very favorably. A year ago I received from my predecessor 440 head of cattle and 69 calves, showing about 25 per cent. increase; the increase for the year past is somewhat more than 80 per cent., as I have 232 calves in a herd of 305 cows. The herd, as counted on August the 5th, consists of 305 cows, 135 bulls, steers, and two-year olds, 69 yearlings and 232 calves—a total of 741 head against 509 a year ago. I would recommend that next spring this herd be gleaned in such a manner that all bulls, stags, and steers over a year old be issued to the Indians in lieu of beef, and the money saved to them in this manner be expended in purchasing cows for them; also, that the money now on hand to purchase sheep be likewise expended for cows, as experience teaches me that neat-cattle will do much better here than sheep. I had advertised, as authorized, for proposals for sheep; the bids received, however, were above the regular market-price, so I rejected all, and would now recommend, as indicated above, that only cows and good bulls be purchased for these Indians.

I am very much disappointed in not receiving the annuity-goods for the Indians up to date. Cold weather may, in this region, be expected at any time, and upon the advent of the first snow the Indians will go west without waiting any longer. The majority have gone, and the rest will follow, as they have a dread of snow, and are very anxious to hunt the deer, which is now in its prime, and very plentiful in the valleys west of here. I have to let them go without their blankets, shirts or tents, and cloth for women's dresses; I fear great suffering will necessarily follow. They will take the goods next spring, but will never forget that once more the Government has failed to

keep its promises. These goods have been on the road since June 8, but have not been heard from by me; and I would respectfully call your attention to the fact that some way should be devised in the future so that the Indians may receive the goods on or before September 1 of each year.

In conclusion, I desire to acknowledge the promptness of your Department during the year in acting upon my requisitions and recommendations, whereby I was enabled to transact the business of this office in a like prompt manner.

I have the honor to be, very respectfully, your obedient servant,

CHARLES ADAMS,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

44.

UINTAH VALLEY AGENCY, UTAH, *September* 25, 1873.

SIR: In accordance with the instructions of the Department, I submit this my third annual report of the service under my charge. The past year has been much more quiet and satisfactory than the preceding one, so far as the temper and achievements of our Indians are concerned. The policy of treating them liberally has been abundantly shown to be both economical and wise. After the excitements of the so-called Indian war were passed, and our Indians saw and realized that their wants and necessities were comparatively well provided for, they settled down quietly upon the reservation and seemed to be well satisfied with the annuity goods forwarded by the Department, and the beef, flour, and other supplies we were enabled to issue. There were about five hundred Indians on the reservation most of the winter. A greater number than usual; still they were comparatively contented. As the season for agricultural labor approached they held many "talks" among themselves, and finally got up quite an enthusiasm. The result was that about fifty lodges, or about two hundred adult Indians, were directly or indirectly engaged in farming operations. So great was the zeal for farming in the spring that there was great difficulty in supplying all with the necessary teams and implements, as they all wanted to work at the same time. Wheat was the principal crop with all. They seemed to think there could be no farm without it. According to the estimate of my head farmer they had, in wheat alone, from one hundred and fifty to two hundred acres, beside about fifty acres in other crops. Much of this land was cleared of sage brush, and the greater part of it plowed by the Indians themselves. Some of them were so ambitious that they sowed their own grain, preferring to do *all* the work themselves. Of course, their farming was not done in the most approved manner; still there was much hard labor performed. Work is a civilizer, and though the products were comparatively small, yet the aggregated beneficent results to the Indians themselves cannot be easily estimated. The products were not commensurate with the amount of ground cultivated, or with the work actually done. Many, after putting in their crops, when the time for visiting the mountains and settlements came, could not resist the temptation. Though they promised, and I doubt not intended, to return and attend to their crops, most of those who went failed to do so, and thus lost the result of their earlier labors. But those who remained or returned in season are now rejoicing in what to them seems a bountiful harvest. Among those specially worthy of commendation for their persevering efforts and success in farming I would mention Chief Tabby, whose example and counsels have been most salutary. There were also several sub-chiefs and other prominent Indians whose efforts are worthy of special praise. As the Indians take entire charge of their crops it is almost, if not quite, impossible to tell what was produced, but it is estimated that their wheat crop alone must have been about twelve hundred bushels. Had it not been for the cold, backward spring, and neglect on the part of many, the yield would have been very much greater. But, as before intimated, the full benefits of the year's labors are not to be estimated by the amount of products, but very largely by the moral and encouraging influence of those labors upon the Indians themselves, which is shown by their commencing even now to prepare ground for next year's crop. During my intercourse with these Indians I have never known them to be in better temper or have so much ambition to help themselves; and with judicious encouragement and aid this agency might, in a few years, be brought nearly, if not quite, to a self-sustaining condition.

As one means to this end, I would recommend that rewards be given for special excellence or efficiency in any department of agricultural work. A small fund placed at the disposal of each agent, under judicious regulations, might be productive of most

happy results. From our isolated and unprotected position, and the comparatively small amount of beef required for the use of this agency, it is almost impossible to secure a supply at reasonable rates. I would therefore renew my former recommendation that this agency be stocked with cattle sufficient to yield supplies of beef for the wants of the agency. Also, when thought advisable by the Department and the agent, to furnish a cow to each lodge, none but the male issue to be used. This matter commends itself to my judgment for two reasons. First, its economy. I believe that fifteen thousand dollars, judiciously expended, would, with proper management, yield a constant and increasing supply of stock for all the demands of this agency. It is true there is some liability to loss, but in my judgment not so much as though they belonged to outside parties; and they claim and, in my opinion, should receive protection and indemnity for losses sustained when the property is legally on the reservation. In the second place, the moral and civilizing effect of ownership is not inconsiderable. I have been led to observe the conservative character of those of our Indians who own stock. They are more localized in their habits, and a sense of ownership makes them more careful of the rights of others.

We have not had our saw-mill in operation since last fall, at which time, and during my absence on leave, from some cause the saw was sprung and rendered practically useless, so that it became necessary to purchase another, which was done, and when we came to start the mill it was found that a check-valve belonging to the engine was broken. A new one had to be obtained in Salt Lake City. These various mishaps and delays have prevented the manufacture of lumber, and as a consequence the completion of our mill-building and the erection of a school-house, which we had hoped to do, and to have had a school in operation long ere this. But a small matter or mishap with us in our isolated position causes the consumption of much time and labor. Our greatest difficulty is to secure and retain a mechanic competent to put in order and run our mill successfully. Such a one we must have. I have not felt at liberty to pay heretofore the wages demanded, but economy in our situation is to secure the necessary skill.

Though we have not yet had either school or mission nominally established, still, I think, there is evidently a softening and civilizing influence at work, gradually leavening the masses and preparing them for more rapid advancement when those more efficient means are brought into operation. Altogether it is believed there is a noticeable advance in the right direction, but it must be admitted to be slow. I sometimes feel discouraged at the little progress made in view of the means and efforts expended, but I apprehend I am not the only one in the service who has been compelled to modify his views with regard to what can be accomplished in a given time.

The Indian farms are so scattered and the timber for fencing so scarce and inaccessible that much time and labor have been expended, altogether by the employés, in fencing, as the Indians have not, thus far, been willing to take part in labor of that kind. Some few would if they were paid wages in money as other employés, which is done elsewhere. I have, and would still recommend the payment of small wages to those Indians who are capable and willing to do general work. A small amount of money would be a powerful stimulant, and would ultimately supersede the necessity for the employment of so many whites.

We have a large number of logs ready for the manufacture of lumber. We have cultivated about thirty acres for the agency, but, owing to the extremely late and cold spring, the yield has not been good. It was further materially injured by some breachy oxen which no fence could restrain. For the estimated amount of products of both Indian and agency farms I refer you to my statistical report. The general health at this agency has been good. Still three deaths have occurred, which were chronic cases of diseases arising from their peculiar habits and mode of life. I would still urge the employment of a physician for both Indians and whites. Without any sufficient data upon which to warrant a change in the estimated number of our Indians I shall continue my former one of 800, though only about 500 have been on the agency at any one time. I have found it very difficult and almost impossible to get an accurate enumeration of the Indians belonging to this agency. Richard Koneas, one of this tribe, but who has been for some time at Lincoln University, Pennsylvania, visited his friends during my absence in Salt Lake City, and has, at my request by letter, taken as complete a census as possible. I have not yet seen him to ascertain the result, and, if possible, correct my own estimate. Most of our Indians are now out on their annual visit and hunt. Upon their return, about the first of November, the annuity goods will be distributed.

I have the honor to be, very respectfully, your obedient servant,

J. J. CRITCHLOW,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

45.

DENVER, COLO., *September* 1, 1873.

SIR: In obedience to your instructions contained in circular of date June 30, 1873, I have the honor to submit, for your information, the following report of the administration of affairs at this agency during the year just past.

Instead of entering into any details I desire to call the attention of the Department to the uniform good behavior of "Pi-ah's" band during the time above referred to, and to their comparative freedom from the vices which almost invariably characterize the Indian when brought as closely and constantly in contact with whites as these Utes have been. But few complaints of anything like even misdemeanors on their part have been brought to my notice; and not a single case of drunkenness has occurred among them while they have been in or near Denver. The same good reports of their behavior come to me from the plains and the parks, the only irregularity of which they have been guilty of late having been the attack (July 7, 1873) upon a small band of Arapahoes on the Little Republican, in which affair the Utes report having secured twenty-eight ponies and one scalp. I wrote you of this occurrence July 10, 1873, a telegram having been received by me from the K. P. R. R. agent at Deer Trail, relating the facts as nearly as he could learn them from "Pi-ah." In my letter I stated that the Arapahoes were the aggressors, but I have since learned from the Utes themselves that the latter made the attack.

Immediately upon the receipt of the telegram above mentioned I ordered Pi-ah and his followers to come at once to Denver, reporting to you the fact of their arrival.

The subsequent difficulties in Denver, growing out of the efforts of certain parties here to usurp the agent's powers, create dissatisfaction among the Indians, and to induce them to indulge in a barbarous and disgusting spectacle in the streets of the city, have been fully explained to you in a letter from this office dated July 16, 1873. On this occasion the Indians behaved exceedingly well, and dispersed quietly as soon as they understood it to be the wish of the agent that they should not make any public display; their quiet demeanor and ready obedience to the proper authority being in decided contrast to the action of the parties who inaugurated, and swore they would carry out, the "Ute procession and scalp-dance" scheme. The latter persons tore up the ground in their wrath, cursing the agent, the administration, and the Department for what they seemed to think was an unwarranted interference with their sacred and inalienable rights.

Immediately after the squelching of their circus, petitions were put in circulation, addressed to the Secretary of the Interior, asking (or demanding) the immediate removal of the agent, and from the reports of saloon caucuses and sidewalk conferences of these injured patriots that reached me, I really feared that they would undermine, blow up, and utterly eliminate the beneficent institution known as the Indian Bureau. I presume, however, that the dawn of the succeeding morning brought (along with much headache) some sober thoughts, as I have never since heard of their petitions; and, so far as I am informed, the Indian Bureau still exists. In concluding my remarks upon this subject, I merely wish to say that I deprecate any such excitement as that which grew out of this affair, but at the same time I intend to exercise my authority, within legal limits, whether it suits the half-savage and more than barbarous white element of this community, or not. In other words, I will "have peace" even though I have to fight for it.

In returning to your Department and to the board of commissioners the statistical tables furnished me, it has not been possible for me to give as full information on many points as you or they may desire. The reasons for this are given at length upon the blanks which I have already forwarded. I believe the number stated thereon is not exaggerated, taking the statement as an average the year round. Although Pi-ah's band proper will not number over 350, yet they are always accompanied to Denver by more or less delegates from the bands belonging to the other agencies in Colorado, who come for the purpose of trading in the city, and to join Pi-ah and his fellows in their regular spring and fall buffalo-hunts. On account of the deadly enmity existing between the Utes and the Plains Indians, (Cheyennes, Arapahoes, Sioux, and Kiowas,) it is the custom of the former to muster as many effective warriors as possible for these campaigns, so that it is not unusual for Pi-ah to be accompanied by the Chiefs Sha-na-no, Gurso, An-ka-tosh, and Cu-ra-can-ti, from the southern agency, and by such northern representatives as Sac-ne-och, (son of Ne-va-va,) Pah-aut, Tab-ou-cha-ken, An-thro, and others, each with a few chosen warriors. I believe that every Indian of note in the seven bands of Utes has visited Denver and shaken hands with me within the last nine months—if I except Sac-ne-och, Sap-o-wa-we-re, and Kan-e-a-che. The latter gentleman I warned, through an Indian runner, not to come here at all, as he is notoriously mischievous; and the other Utes informed me that they did not wish to be blamed for the disturbances which the presence of himself and band were sure to create. Of course it is not my province to relate his amusements in the southern counties during the past spring and early summer. Suffice it to say that I should not have tolerated anything of the sort near here.

The sanitary condition of these Indians is not what it should be, nor, I am satisfied, from conversations with members of the Board of Commissioners, what the Department desires it should be. I presume there is no remedy for this state of things so long as this band refuse to avail themselves of the ample provision made at the agencies on the reservation for their wants in the way of shelter, clothing, and medical attendance; yet, for humanity's sake, I regret that the Government cannot stretch a point and minister to all the needs of this inoffensive people, even though they be "off the reservation."

I have no further suggestions to offer in regard to the future management of this "roving band of Utes;" but I trust that the peaceful relations which have existed between them and the whites for the past three years may continue while the tribe exists.

I desire to acknowledge the courtesy and attention of all the Department officers during the past year, and am, very respectfully, your obedient servant,

JAMES B. THOMPSON,
United States Special Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

46.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Santa Fé, N. Mex., November 15, 1873.

SIR: I have the honor to submit my annual report, together with those of the several agents connected with this superintendency.

I assumed the duties of my position on the 14th of December, 1872, and since that time have visited all the agencies, and, with two exceptions, all of them at least twice. In every instance where there seemed to be the least probability of an outbreak by the Indians, I have endeavored to reconcile them by visiting them in person, hearing statements of their grievances, and where it lay in my power I have remedied any mismanagement of which they complained.

So far as this superintendency is concerned, the friends of the present Christian and humanitarian policy have reason for congratulation. During the past year but few serious depredations have been committed by the Indians, and during the entire year I have learned of but two murders of white persons by savages.

Your attention is invited to the condition of affairs at the several agencies, brief notices of which will be found in the following remarks:

MESCALERO APACHES.

This agency is located at Fort Stanton, about 200 miles southeast from this place. The Indians are among the most wild and savage under my charge. For some years they lived with the Comanches and participated in their depredations; but they have been gradually collected about the agency, although the communication between them and the Comanches seems to be only partially interrupted.

When I became superintendent these Indians were very much excited about the murder of their principal chief, Cadette, who was killed, it is supposed, by Mexicans, against whom he had recently given evidence on a trial of them for selling whisky to Indians. Fears were entertained by the settlers that they might break out and devastate the surrounding country. Twelve days after assuming charge of this office, I started to visit them. I found that affairs at this agency required the presence of some officer determined to protect the interests of the Government. The firm which held the appointment of Indian traders, and acted as military traders, seemed to have taken entire possession of Indian affairs at that place. The agent appeared to have very little business except to approve vouchers made for him by these men. The Government had no buildings, and there were none in the neighborhood that could be rented. The agent was, in consequence, compelled to accept such hospitalities as they felt inclined to bestow on the Government and its officers.

I remained at this agency several days, and held three councils with the Indians, visited them in their ranchos, and saw much of the country they claimed as theirs, and desired to have set apart as a reservation. The chiefs told me that this country was their home, that they were anxious to have it set apart as a reservation, and were not only willing but anxious to remain at peace. They were very desirous that the murderers of their chief should be punished, but assured me that they would refrain from taking the matter into their own hands. I promised that the murderers should be dealt with by the law, if discovered, and asked them to advise the agent if any new facts were ascertained. Up to the present nothing is known of the murderers.

The chiefs assured me that if supplied with implements, they would engage in planting; I am not sanguine that they will do much for some years, but believe it expedient to make a beginning. On the 18th of February I submitted a report of my visit to these Indians, and urged that buildings be provided for the agency, in order that the Government might conduct its business through its own officer instead of private citizens interested more in the success of their own affairs than those of the Government. I also recommended the setting apart of a reservation for these Indians. Authority was given me on the 24th of May, either to purchase the buildings of Murphy & Co., or to erect new ones, as I should think best. After receiving estimates for the erection of new buildings, and considering the subject in all its bearings, I concluded to buy the buildings of Murphy & Co.

The new agent, Mr. S. B. Bushnell, reported for duty on the 29th March, and at once undertook to assume charge of the affairs of his agency; he, however, found so much opposition on the part of those who had formerly managed affairs there, that he only secured full charge of his agency when I visited there on the 2d of September. Although the buildings had been purchased by the Government, the former owners had upon one pretext and another retained possession of the buildings, and Agent Bushnell had very little more to say about the conduct of Indian affairs there than had Agent Curtis at the time of my first visit. I at once demanded possession, and promised to take the trouble of vacating the premises upon myself unless the agent received possession within twenty-four hours. The buildings were vacated. I directed Agent Bushnell to make immediate preparations for the issue of beef from the block, instead of upon the hoof as it had formerly been done. I also directed him to establish regular weekly issues, instead of issuing to the bands separately whenever they chose to come, as had been the custom. I have always believed that the number of these Indians was considerably exaggerated, but under the past system of issues it has been impossible to ascertain the facts. I have now directed Agent Bushnell to place the Indians in a corral on each issue-day, and furnish tickets to them previous to his issue of rations; by this means I hope to prevent fraud, and to secure the Government against paying for rations that are neither supplied by the contractors nor received by the Indians.

Upon my arrival at this agency on the 1st day of September, I found there Major W. R. Price, Eighth United States Cavalry, commanding troops in Southern New Mexico, in command of six troops of cavalry. Major Price had received sworn complaints from a large number of citizens charging that the Mescalero Apaches had stolen stock (mostly horses) from the complainants. Major Price was very anxious to take immediate and energetic action in the premises. I doubted the propriety of assailing these Indians, even for offenses committed, at that particular moment, because the Indians had not yet become familiar with the boundaries of their new reservation; nor did I think they had been sufficiently instructed as to their duties towards the settlers. According to their views, they own all the surrounding country, and honestly believe that white men settling there should pay them tribute. I believed the best course to pursue was to inform them that they were to remain upon their reservation, and when found off from it they would be driven back by troops, and where depredations were committed they would be held responsible; but Major Price urged that he had moved his command a long distance; that it would be difficult for him to have them in this locality again during the year; that the disposition of his troops was such that he could prevent the Indians leaving their reservation, and compel the return of stolen property in their hands. I therefore addressed him the following letter:

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Fort Stanton, N. Mex., September 3, 1873.

GENERAL: I have the honor to inform you that I have learned from the affidavits of several citizens living in this vicinity, that the Mescalero Apache Indians have been stealing horses and other stock from the settlers, and bringing the same upon this reservation. From the same source I learn that some portion of the stolen property has been identified in the hands of Indians visiting this agency. I therefore respectfully request that you will take such means as you think proper, to recover property previously stolen, and to prevent further depredations.

Very respectfully, your obedient servant,

L. EDWIN DUDLEY,
Superintendent of Indian Affairs.

Gen. W. R. PRICE,
Commanding Troops in Southern New Mexico, Fort Stanton, N. Mex.

Major Price immediately arrested Santa Ana, and a younger brother of the principal chief, Roman, and notified the Indians that they would be held as hostages for the return of stolen horses. The Indians became alarmed, expressed great dissatisfaction, and with the exception of about 200 immediately left the reservation. Advices since

Legislations of U.S. Congress 1924-30

80/18
C

THE PUEBLO
L A N D T I T L E L A W

AN ACT

To quiet the title to lands within Pueblo Indian land grants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to quiet title to various lots, parcels, and tracts of land in the State of New Mexico for which claim shall be made by or on behalf of the Pueblo Indians of said State as hereinafter provided, the United States of America, in its sovereign capacity as guardian of said Pueblo Indians shall, by its Attorney General, file in the District Court of the United States for the District of New Mexico, its bill or bills of complaint with a prayer for discovery of the nature of any claim or claims of any kind whatsoever adverse to the claim of said Pueblo Indians, as hereinafter determined.

Sec. 2. That there shall be, and hereby is, established a board to be known as "Pueblo Lands Board" to consist of the Secretary of the Interior, the Attorney General, each of whom may act through an assistant in all hearings, investigations, and deliberations in New Mexico, and a third member to be appointed by the President of the United States. The board shall be provided with suitable quarters in the city of Santa Fe, New Mexico, and shall have power to require the presence of witnesses and the production of documents by subpoena, to employ a clerk who shal be empowered to administer oaths and take acknowledgements, shall employ such clerical assistance, interpreters, and stenographers with such compensation as the Attorney General shall deem adequate, and it shall be provided with such necessary supplies and equipment as it may require on requisitions to the Department of Justice. The compensation and allowance for travel and expenses of the member appointed by the President shall be fixed by the Attorney General.

It shall be the duty of said board to investigate, determine, and report and set forth by metes and bounds, illustrated where necessary by field notes and plats, the lands within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico by any authority of the United States of America, or any prior sovereignty, or acquired by said Indians as a Community by purchase or otherwise, title to which the said board shall find not to have been extinguished in accordance with the provisions of this Act, and the board shall not include in their report any claims of non-Indian claimants, who, in the opinion of said board after investigation, hold and occupy such claims of which they have had adverse possession, in accordance with the provisions of section 4 of this Act: Provided, however, That the board shall be unanimous in all decisions whereby it shall be determined that the Indian title has been extinguished.

The board shall report upon each pueblo as a separate unit and upon the completion of each report one copy shall be filed with the United States District Court for the District of New Mexico, one with the Attorney General of the United States, one with the Secretary of the Interior and one with the Board of Indian Commissioners.

Sec. 3. That upon the filing of each report by the said board, the Attorney General shall forthwith, cause to be filed in the United States District Court for the District of New Mexico, as provided in section 1 of this Act, a suit to quiet title to the lands described in said report as Indian lands, the Indian title to which is determined by said report not to have been extinguished.

SEC. 4. That all persons claiming title to, or ownership of any lands involved in any such suit, or suits, may in addition to any other legal or equitable defenses which they may have or have had under the laws of the Territory and State of New Mexico plead limitation of action, as follows, to-wit:

(a) That in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open notorious, actual, exclusive, continuous, adverse possession of the premises claimed, under color of title from the 6th day of January, 1902, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation, or adverse possession of the Territory of the State of New Mexico, since the 6th day of January, 1902, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment.

(b) that in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open, notorious, actual, exclusive, continuous, adverse possession of the premises claimed with claim of ownership, but without color of title from the 16th day of March, 1889, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation or adverse possession of the Territory or the State of New Mexico, from the 16th day of March, 1899, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment.

Nothing in this Act contained shall be construed to impair or destroy any existing right of the Pueblo Indians of New Mexico to assert and maintain unaffected by the provisions of this Act their title and right to any land by original proceedings, either in law or equity, in any court of competent jurisdiction and any such right may be asserted at any time prior to the filing of the field notes and plats as provided in section 15 hereof, and jurisdiction with respect to any such original proceedings is hereby conferred upon the United States District Court for the District of New Mexico with the right of review as in other cases; Provided, however, That any contract entered into with any attorney or attorneys by the Pueblo Indians of New Mexico to carry on such litigation shall be subject to and in accordance with existing laws of the United States.

SEC. 5. The plea of such limitations, successfully maintained, shall entitle the claimants so pleading to a decree in favor of them their heirs, executors, successors, and assigns for the premises so claimed by them, respectively, or so much thereof as may be established, which shall have the effect of a deed of quit claim in favor of claimants upon any other ground shall have a like effect.

The United States may plead in favor of the pueblo, or any individual Indian thereof, as the case may be, the said limitations hereinbefore defined.

SEC. 6. It shall be the the further duty of the board to separately report in respect of each such pueblo-

(a) The area and character of any tract or tracts of land within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico and the extent, source, and character of any water right appurtenant thereto in possession of non-Indian claimants at the time of filing such report, which are not claimed for said Indians by any respect of the board.

(b) Whether or not such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right

of the United States or of said Indians. Seasonable prosecution is defined to mean prosecution by the United States within the same period of time as that within which suits to recover real property could have been brought under the limitation statutes of the Territory and State of New Mexico.

(c) The fair market value of said water rights and of said tracts or tract of land (exclusive of any improvements made therein or placed thereon by non-Indian claimants) whenever the board shall determine that such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right of the said United States or of said Indians, and the amount of loss, if any, suffered by said Indians through failure of the United States seasonably to prosecute any such right.

The United States shall be liable, and the board shall await compensation, to the pueblo within the exterior boundaries of whose lands such tract or tracts of land shall be situated or to which such water rights shall have been appurtenant to the extent of any loss suffered by said Indians through failure of the United States seasonably to prosecute any right of the United States or of said Indians, subject to review as herein provided. Such report and award shall have the force and effect of a judicial finding and final judgment upon the question and amount of compensation due to the Pueblo Indians from the United States for such losses. Such report shall be filed simultaneously with and in like manners as the reports hereinbefore provided to be made and filed in section 2 of this Act.

At any time within sixty days after the filing of said report with the United States District for the District of New Mexico as herein provided the United States or any Pueblo or Indians concerned therein or effected thereby may, in respect of any report upon liability or of any finding of amount or award of compensation set forth in such report, petition said court for judicial review of said report, specifying the portions thereof in which review is desired. Said court shall thereupon have jurisdiction to review such report, finding, or award in like manner as in the case of proceedings in equity. In any such proceeding the report of the board shall be prima facie evidence of the facts, the values, and the liability therein set forth, subject, however, to be rebutted by competent evidence. Any party in interest may offer evidence in support or in opposition to the findings in said report in any respect. Said court shall after hearing render its decision as soon as practicable, confirming, modifying, or rejecting said report or any part thereof. At any time within thirty days after such decision is rendered said court shall, upon petition of any party aggrieved, certify the portions of such report, review of which has been sought, together with the record in connection therewith, to the United States Circuit Court of Appeals for the Eighth Circuit, which shall have jurisdiction to consider, review and decide all questions arising upon such report and record in like manner as in the case of appeals in equity, and its decision thereon shall be final.

Petition for review of any specific finding or award of compensation in any report shall not effect the finality of any findings nor delay the payment of any award set forth in such report, review of which shall not have been so sought, nor in any proceeding for review in any court under the provision of this section shall costs be awarded against any party.

SEC. 7. It shall be the further duty of the board to investigate, ascertain, and report to the Secretary of the Interior, who shall report to the Congress of the United States, together with his recommendation, the fair market value of lands, improvements appurtenant thereto, and water rights of non-Indian claimants, who, in person or through their predecessors in title prior to January 8, 1912, in good faith and for a valuable consideration purchased and

entered upon Indian lands under a claim of right based upon a deed or document purporting to convey title to the land claimed or upon a grant, or license from the governing body of a pueblo to said land, but fail to sustain such claim under the provisions of this Act, together with a statement of the loss in money value thereby suffered by such non-Indian claimants. Any lands lying within the exterior boundaries of the pueblo of Nambe land grant, which were conveyed to any holder of occupant thereof or his predecessors in interest by the governing authorities of said pueblo, in writing, prior to January 6, 1912, shall unless found by said board to have been obtained thru fraud or deception, be recognized as constituting valid claims by said board and by said court, and disposed of in such manner as lands the Indian title to which has been determined to have been extinguished pursuant to the provisions of this Act: Provided, That nothing in this section contained with reference to the said Nambe Indians of the right to impeach any such deed or conveyance for fraud or to have mistakes therein corrected through a suit in behalf of said pueblo or of an individual Indian under the provisions of this Act.

SEC. 8. It shall be the further duty of the board to investigate, ascertain, and deport to the Secretary of the Interior the area and the value of the lands and improvement appurtenant thereto of non-Indian claimants within or adjacent to Pueblo Indian settlements or towns in New Mexico, title to which in such non-Indian claimants is valid and indefeasible, said report to include fining as to the benefit to the Indians in anywise of the removal of such non-Indian claimants by purchase of their lands and improvements and the transfer of the same to the Indians, and the Secretary of the Interior shall report to Congress the facts with his recommendations in the premises.

SEC. 9 That all lands, the title to which is determined in said suit or suits, shall where necessary, be surveyed and mapped under the direction of the Secretary of the Interior, at the expense of the United States, but such survey shall be subject to the approval of the judge of the United States District Court for the District of New Mexico and if approved by said judge will be filed in said court and become a part of the decree or decrees entered in said district court.

SEC. 10. That necessary costs in all original proceedings under this Act, to be determined by the court, shall be taxed against the United States and any party aggrieved by any final judgment or decree shall have the right to a review thereof by appeal or writ of error or other process, and as in other cases, but upon such appeal being taken each party shall pay his own costs.

SEC. 11. That in the sense in which used in this Act, the word "purchase" shall be taken to mean the acquisition of community lands by the Indians other than by grant or donation from a sovereign.

SEC. 12. That any person claiming any interest in the premises involved but not impleaded in any such action may be made a party defendant thereto or may intervene in such action, setting up his claim in usual form.

SEC. 13. That as to all lands within the exterior boundaries of any lands granted or confirmed to the Pueblo Indians of New Mexico, or by any authority of the United States of America or any prior sovereignty, or acquired by said Indians as a community by purchase or otherwise and which have not been claimed for said Indians by court proceedings then pending or the findings and report of the board as herein provided, the Secretary of the Interior at any time after two years after the filing of said reports of the board shall file field notes and plat for each pueblo in the office of the surveyor general of New Mexico, at Santa Fe, New Mexico, showing the lands to which the Indian title has been extinguished as in said report set out;

but excluding therefrom lands claimed by or for the Indians in court proceedings then pending, and copies of said plat and field notes certified by the surveyor general of New Mexico as true and correct copies shall be accepted in any court as competent and conclusive evidence of the extinguishment of all the right, title, and interest of the Indians in and to the lands so described in said plat and field notes and of any claim of the United States in or to the same. And the Secretary of the Interior within thirty days after the Indians' right to bring independent suits under this Act shall have expired, shall cause notice to be published in some newspaper or newspapers of general circulation issued, if any there be, in the county wherein lie such lands claimed by non-Indian claimants, respectively, or wherein some part of such lands are situated, otherwise in some newspaper or newspapers of general circulation published nearest to such lands, once a week for five consecutive weeks, setting forth as nearly as may be the names of such non-Indian claimants of land holdings not claimed by or for the Indians as herein provided, with a description of such several holdings, as shown by a survey of Pueblo Indian lands heretofore made under the direction of the Secretary of the Interior and commonly known as the "Joy Survey," or as may be otherwise shown or defined by authority of the Secretary of the Interior, and requiring that any person or persons claiming such described parcel or parcels of land or any part thereof, adversely to the apparent claimant or claimants so named as aforesaid, or their heirs or assigns, shall, on or before the thirtieth day after the last publication of such notice, file his or their adverse claim in the United States Land Office in the land district wherein such parcel or parcels of land are situated, in the nature of a contest stating the character and basis of such adverse claim, and notice of such contest shall be served upon the claimant or claimants named in the said notice, in the same manner as in cases of contest of homestead entries. If no such contest is instituted as aforesaid, the Secretary of the Interior shall issue to the claimant or claimants, or their heirs or assigns, a patent or other certificate of title for the parcel or parcels of land so described in said notice; but if a contest be filed it shall proceed and be heard and decided as contests of homestaed entries are heard and decided under the rules and regulations of the General Land Office pertinent thereto. Upon such contest either party may claim the benefit of the provisions of section 4 of this Act to the same extent as if he were a party to a suit to quiet title brought under the provisions of this Act, and the successful party shall receive a patent or certificate of title for the land as to which he is successful in such proceeding. Any patent or certificate of title for the land as to which he receives, issed under the provisions of this act shall have the effect only of a relinquishment by the United States of America and the said Indians.

If after such notice more than one person or group of persons united in interest makes claim in such land office adverse to the claimant or claimants named in the said notice, or to any other person or group of persons who may have filed such contest, each contestant shall be required to set forth the basis and nature of his respective claim, and thereupon the said claims shall be heard and decided as upon an original contest or intervention.

And in all cases any person or persons whose right to a given parcel or parcels of land has become fixed either by the action of the said board or in such contest may apply to the Commissioner of the General Land Office for a patent or certificate of title and receive the same without cost or charge.

SEC. 14. That if any non-Indian party to any such suit shall assert against the Indian title a claim based upon a Spanish or Mexican grant, and if the court should finally find that such claim by the non-Indian is superior to that of the Indian claim, no final decree or judgment of ouster by the said Indians shall be entered or writ of possession or assistance shall be allowed against said Indians, or any of them, or against the United States of America acting in their behalf. In such case the court shall ascertain the

area and value of the land thus held by any non-Indian claimant under such superior title, excluding therefrom the area and value of lots or parcels of land the title to which has been found to be in other persons under the provisions of this Act: Provided, however, That any findings by the court under the provisions of this section may be reviewed on appeal or writ of error at the instance of any party aggrieved thereby, in the same manner, to the same extent, and with like effect as if such findings were a final judgment or decree. When such finding adverse to the Indian claim has become final, the Secretary of the Interior shall report to Congress the facts, including the area and value of the land so adjudged against the Indian claim, with his recommendations in the premises.

SEC. 15. That when any claimant, other than the United States for said Indians not covered by the report provided for in Section 7 of this Act, fails to sustain his claim to any parcel of land within any Pueblo Indian grant, purchase, or donation under the provisions of this Act, but has held and occupied any such parcel in good faith, claiming the same as his own, and the same has been improved, the value of the improvements upon the said parcel of land shall be found by the court and reported by the Secretary of the Interior to Congress, with his recommendations in the premises.

SEC. 16. That if any land adjudged by the court or said land board against any claimant be situate among lands adjudicated or otherwise determined in favor of non-Indian claimants and apart from the main body of the Indian land, and the Secretary of the Interior deems it to be for the best interest of the Indians that such parcels so adjudged against the non-Indian claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash, and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance thereof, if any, shall be paid over to the proper officer, or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvement as adjudicated.

SEC. 17. No right, title or interest in or to the lands of the Pueblo Indians of New Mexico to which their title has not been extinguished as hereinbefore determined shall hereafter be acquired or initiated by virtue of the laws of the State of New Mexico, or in any other manner except as may hereafter be provided by Congress, and no sale, grant, lease of any character, or other conveyance of lands, or any title or claim thereto made by any pueblo as a community, or any Pueblo Indian living in a community of Pueblo Indians, in the State of New Mexico, shall be of any validity in law or in equity unless the same be first approved by the Secretary of the Interior.

SEC. 18. That the pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this Act as in other civil causes in the Federal courts except as otherwise hereinprovided.

SEC. 19. That all sums of money which may hereafter be appropriated by the Congress of the United States for the purpose of paying in whole or in part any liability found or decreed under this Act from the United States to any pueblo or to any of

the Indians of any pueblo, shall be paid over to the Bureau of Indian Affairs, which Bureau under the direction of the Secretary of the Interior, shall use such money at such times and in such amounts as may seem wise and proper for the purpose of the purchase of lands and water rights to replace those which have been lost to said pueblo or to said Indians, or for purchase or construction of reservoirs, irrigation works, or the making of other permanent improvements upon, or for the benefit of lands held by said Pueblo or said Indians.

Passed the Senate May 13, 1924.

Passed the House-

Signed by the President.

From the office of the American Indian Defense Association,
33 West 42nd Street, NEW YORK CITY.

BILLS FOR THE RELIEF OF CALIFORNIA INDIANS

Comparison of the Raker (H.R.8036) and Kahn (H.R.9497) Bills

There are three particulars in which the Kahn and the Raker Bills are in contrast to one another. We shall briefly take up those differences.

I. The Kahn Bill (H.R.9497) seeks to repair the wrong done to all the California Indians, whether they lost their lands

(a) by the failure of ratification of the 18 Lost Treaties of 1851, or

(b) by the seizure of land without even the preliminary gesture of entering into abortive treaties, or

(c) as to Mission Indians, by the failure of the Government to present their claims to the Federal Land Commission of 1851 created to pass on Spanish and Mexican titles.

The Raker Bill (H.R. 8036) aims to assist only those Indians affected by the first wrong mentioned, (a) above.

II. The Kahn Bill frankly recognizes that all Indians in California were actually wronged, and without more preliminaries proceeds to liquidate, in a measure, the unquestioned moral claim their descendants have upon the Government.

The Raker Bill, on the other hand, merely authorizes certain Indians to sue the United States, and waives the statute of limitations. Even so far as it goes it presents several important questions or difficulties:

(a) The necessity for suit, and the waiver of the statute suggest that the Indians would have to prove the existence in 1851 of a legal or equitable right, barred (save for the Raker Bill) by the lapse of time. Can a right of action be based on

the failure of the Senate to ratify a treaty? Only the Supreme Court can say. The word "equitable", in Section 2, is not wide enough to resolve the doubt.

(b) The Indians of today will have to prove their descent from the 18 tribes of 1851. After 75 years, and without records, that will be an expensive and uncertain process. The roll by the Secretary of the Interior (Sec.7) shifts some of the labor on the Department, but the uncertainty, as to many individual Indians, will necessarily put them to effort and expense.

(c) Claims must be presented within two years (Sec.3). But the roll is to be made up by the Secretary within 18 months, and a claimant may apply within two years thereafter to be added to it, or within 3-1/2 years all told (yet the roll, curiously enough, becomes final at the end of 2½ years, so that during the last year of the 3½ year period the application could not be granted).

At the end of 2½ or 3½ years the claims would presumably be ready for hearing by the Court of Claims. Five or six years thereafter, perhaps, some of them might reach the Supreme Court. Meanwhile, under the Raker Bill, all the Indians obtain is the uncertainty of a law suit.

The Kahn Bill says to the Indians, in effect, "We admit you were wronged; we'll help to repair the damage, today". The Raker Bill says, "Perhaps you were wronged; we'll give you a chance to prove it in Court, some years hence". If there

was injustice done in the pioneer period the first bill seems the fairer way to make up for it.

(d) The Raker Bill has a set-off clause (Sec.2) by which all the moneys spent by the Government "for the benefit of" these Indians, during the last 75 years, are to be credited against any judgments. If overhead is included in these benefits there will be no judgment left. Well-informed people believe this off-set clause makes the Raker Bill merely an apparent act of belated justice, without cost to the Government or benefit to the Indian.

This was the view of the sub-committee which took evidence on the Raker Bill April 28 and 29, 1922, after Assistant Commissioner Meritt had testified on the probable amount of the off-sets. (Sub-Committee Hearings, Part II, pages 284-291).

III. Under the Raker Bill the judgment moneys are to go, reduced by attorneys fees, into the United States Treasury. Thus, after long years of litigation, the amounts will not be available for constructive use, without further legislation. A later, less well-informed Congress might, without opportunity for discussion, decree (a) a pro rata distribution to the Indians per capita, which would mean its swift wastage, or (b) its treatment by the Indian Bureau as tribal or individual trust funds with the inevitable red tape resulting.

As against this, the Kahn Bill makes a constructive and immediate attempt to solve the entire Indian problem, with an active cooperation of Nation and State as a new factor.

[Chauncey S. Goodrich,
Chairman, Executive Committee.]

April 1, 1926

Mr. Chauncey S. Goodrich
1010 Mills Building
San Francisco, California

My dear Mr. Goodrich:

You were very kind to send me a copy of your admirable paper entitled The Legal Status of the California Indian. It will be of service to me in all of my future work, and cannot fail to be helpful to very many people. It is a fine thing that once in a while some competent person undertakes the drudgery of bringing together material of this kind and of illuminating it from his own knowledge.

I greatly admire also your painstaking analysis of Senate Bill 3020 providing that Federal funds appropriated for the care and relief of California Indians be expended through certain public agencies of the State of California, a copy of which Mr. Collier let me have for a few days.

This Bill, if I understand the situation correctly, is the only one for the relief of California Indians likely to be passed during the present Session and unfortunately it is by no means sure that it will pass.

Your comparison of the Kahn Bill (H.R.9497) with the Raker Bill (H.R.8036) is certainly a masterly and convincing treatment, and will, I trust, do much good in clearing the Congressional atmosphere on the subject.

For some time past I have been meaning to write you concerning certain amendments needed in the Kahn Bill. I wrote Mr. Elkus about these a while ago, but am not sure that he brought the matter to your attention.

The most important omission, it seems to me, is the absence of provision for Indians who are not and do not wish to be farmers. If the intent of the Bill is , as stated, the reimbursement of California Indians for lands taken from their tribes without payment therefor, it would seem that all surviving members of these tribes should share in the benefits. I do not see clearly how to phrase a clause to this effect,but might it not be inserted in the matter relating to the powers of the proposed Commission, giving them authority to assist non agricultural Indians in such manner as in their judgment seemed best?

Col. Geo. W. Stewart of Visalia, to whom I sent a copy of the Bill, asking for his views, makes the following suggestions:

There will no doubt be many instances when a group of applicants will desire a certain area set aside for their occupancy and development, but I am not certain that a group patent would prove satisfactory. It is provided that after such a patent is issued the land so patented shall cease to be administered by the Commission provided for in the bill and shall be subject to local assessment and taxation. Every death would cause the title to become involved to some extent and probate proceedings would become necessary. Indian families and groups do not always remain harmonious and it would be difficult for one or more who might become dissatisfied to secure the segregation of a specified tract from a larger area in which each one of several patentees held an undivided interest. Each birth and death could change the proportionate interest of every patentee in the entire tract. In the second generation each child in a large family would hold a comparatively small portion of the parent patentee's interest.

At present there are in California some Indian homestead patentees, trust patentees and claimants, and many allottees holding trust patents. I think it would be well if some provision were made authorizing the Commission to dispose of undesirable lands covered by trust patents and purchase in lieu thereof better land upon which a family could be maintained. At the request of Indians who hold final patents for poor land, perhaps the same authority might be given the Commission to make such exchanges for them.

After an Indian is permitted to occupy and improve a tract of land, would it not be advisable until such time as patent issues, to give the Commission authority to determine the heirs of one who dies? The Indian Service has such authority now in the case of deceased allottees.

I trust that when possible lands will be purchased in the vicinity of the territory formerly occupied by the Indians moved on to them, for they have a strong love for their old haunts and would not be happy or thoroughly satisfied elsewhere.

Mr. Stewart asks if the Act is intended to apply to reservation as well as non reservation Indians. I assume that it is intended to apply to all Indians in California.

Referring to the apparent large size of the appropriation Mr. Stewart remarks:

The total amount of compensation provided for is not unreasonable and would enable many of the Indians to become self-supporting at an early date and would assure adequate protection and assistance to a greater number who, or whose children, would in time become producers instead of public charges.

Instead of asking for the appropriation of the whole $49,583,640 as a lump sum at one time, it occurs to me that it might favor the passage of the Bill if it were spread out over several years. I suggest therefore that the Kahn-Goodrich Bill be regarded as an Enabling Act and that lines 6 and 7 of page 5 be amended by striking out the words "be and the same is hereby" and substituting therefor the words "is authorized to be"--leaving the amount to be appropriated the first and after years to be determined later. This would be less objectionable to the Budget

and the President [Collier thinks that the Bill if passed in its present form would be vetoed by the President].

While not feeling competent to draft a suitable clause to provide for non agricultural Indians, I have interlined at the top of page 8 a few words to be taken merely as a suggestion for what is in my mind. You doubtless will supply the proper phraseology.

Thanking you for the splendid work you have done on behalf of our California Indians and with best wishes,

Very truly yours,

Chas

Therefore

Section 1. Be it enacted by the Senate and House of Representatives in Congress Assembled, that the sum of $48,050,140 (the same being the value at 50 cents per acre without interest of the Indian lands of California, less 3,000,000 acres allowed for the Mission Strip and 450,000 acres allowed for reservations and allotments) be and the same is hereby appropriated out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized and accounted for for the benefit of the Indians of California, in accordance with the provisions of this Act, as compensation for, and in lieu of, all other moneys, lieu lands, or other compensation to which said Indians of California are, or may be, entitled in law or equity in the place of lands which have heretofore been taken from them under the provisions of said Eighteen Treaties, or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

May 13, 1926

Hon F. Dickinson Letts
Chairman Subcommittee on Indian Affairs
House of Representatives, Washington

My dear Mr. Letts:

In compliance with your request I have made a rather careful examination of the socalled "tribal names" enumerated in the Eighteen California Treaties of 1851 and 1852, published by the Senate in January 1905 (32nd Congress, 1st Session).

The total number of the alleged 'tribes' listed in the Eighteen Treaties appears to be 125. ~~Many of~~ Half a dozen of these are unidentifiable. Of the others, ~~a considerable number~~ some are duplicated under different spellings, not infrequently with different initial letters (resulting, doubtless, from illegible handwriting).

And A surprisingly large number are not tribal names at all but names of rancherias or villages. Thus, in the Treaty of Camp Colus, Sept. 9, 1851, the following 'tribes' are enumerated as ~~[p.33 of the Eighteen Treaties]~~: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de. Of these 8 names, 6 are villages (Co-ha-na, Tat-nah, Cha, Doc-duc, Toc-de and Cham-net-co), ~~while another, Toc-de, is probably a misspelling of Doc-duc—there being no such tribe or village as Toc-de.~~ leaving only 2 as tribes.

Another example is the Treaty of Oct. 6, 1851, with the Upper Klamath, Shasta, and Scott River Indians, of which 6 tribes

or bands are mentioned, as follows: O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wet-sa-he-wa, and E-eh. One of these, I-da-kar-i-waka-ha, was a small band named for a local chief, (while) two, I-ka-ruck at Hamburg and Ko-se-tah at Yreka, were named for the locality--and so on. Not one has any tribal significance.— all being Shasta!

It ~~is obvious~~ (appears) therefore that the great majority of so-called 'tribes' enumerated in the Eighteen Treaties are nothing more than local bands or villages.— not more than 56 of the 126 being tribes.

On the other hand, in checking the Treaty names ~~recorded~~ in ~~the Eighteen Treaties~~ against the names of the known California tribes it appears that more than ~~130~~ 175 tribes were not included in the Eighteen Treaties. ~~[List herewith.]~~

In other words, it is obvious that the Treaty Commissioners in attempting to list the tribes of California not only included a large number of villages, but--and this is far more important--~~failed to~~ mention(ed) ~~more~~ less than a third of the actual tribes of the State. This, as I stated before your Committee, is what would be expected, for ~~of the total number of~~ not one in three of the California tribes, ~~fewer than half~~ were known to the Americans or Spanish-Mexicans in 1851.

The Reker Bill therefore specifically limits its benefits to ~~less than half~~ one third of the tribes of the State, leaving ~~the larger number~~ two thirds unprovided for!

And furthermore, the possibility of benefit for any tribe under this Bill is not only postponed for years, pending

the outcome of a suit, but the award (if any) is likely to be consumed by Government offsets.

And in the event of a decision in favor of the Indians, each and every individual must prove descent from one of the 18 Treaty tribes--in many cases an extremely difficult procedure.

And finally, the Raker Bill is silent as to how any Indians are to benefit if the suit is won--the Bill failing to provide for administration of the fund.

The Kahn Bill on the other hand [irrespective of the amount finally appropriated] provides for immediate relief from present pitiful conditions.

(Moreover, the Kahn Bill) ~~It~~ is constructive, outlining a definite policy under an unsalaried Commission (to be appointed by the Federal Government and the Governor of California) with authority to begin at once by [when necessary] purchasing land, providing convenient water supplies--one of the most fundamental requirements of civilization--and in other ways assisting Indians in building sanitary homes and in establishing themselves on a stable self-supporting basis in agriculture or other industry so that they may become actual and self respecting citizens.

A list of the Indian Tribes of California not mentioned, either directly or by some other name, in the Eighteen Treaties is appended.

Very truly yours,

[allowance for mission strip [2d R. Feb 12, 1926
Cl

BILL PROVIDING FUNDS FOR THE REIMBURSEMENT OF THE INDIANS OF CALIFORNIA FOR LANDS TAKEN FROM THEM UNDER THE EIGHTEEN TREATIES OF 1851, AND WITHOUT TREATY, AND UNDER SUBSEQUENT COURT DECISIONS FOR WHICH NO COMPENSATION HAS HERETOFORE BEEN MADE; AND PROVIDING FOR THE ADMINISTRATION OF THE APPROPRIATION HEREIN MADE, INCLUDING THE CREATION OF A COMMISSION TO HAVE CHARGE OF SAID ADMINISTRATION.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

WHEREAS, in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States Eighteen Treaties, under which certain Indian tribes in California, represented by 401 chiefs, captains and head men, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

WHEREAS, due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years

WHEREAS, prior to the American occupancy a tract of land known as the Mission Strip, extending along the coast from San Diego to Sonoma and comprising approximately 3,000,000 acres, had been already taken possession of by the Spaniards and Mexicans; and

WHEREAS, the lands allowed California Indians by the United States in reservations and allotments total less than 450,000 acres, there remain, for which the United States is morally responsible to the Indian tribes, at least 96,167,280 acres which at the low average rate of 50 cents per acre would amount to $48,083,640; and

WHEREAS, it is generally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving them into remote and inhospitable parts of the State, by depriving them of their natural food, by imprisoning them for killing deer or taking fish, and by inoculating them with fatal diseases; while for a period of at least fifteen years

4 [See next page
~~5~~
4

WHEREAS, it is generally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving them in the dead of winter through snow and rain and mud--men, women and little children, including the old, the feeble and the sick--to far-away illegal 'reservations', many perishing on the way from hardship and the brutality of the drivers, and by forcing others into remote and inhospitable parts of the State, by depriving them of their natural food thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases; and on several occasions by massacring numbers of them in cold blood, while for a period of at least fifteen years (1849-1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

and.

Whereas, Cesar intended as measures of justice to all persons have been taken out of and are found to the Land Claims Law of 1851 & forfeiture: or (5) and

~~(as shown by the whole history of the Land Grant Franchise under Spanish and Mexican rule)~~ this Law was intended to apply to all persons

Whereas, it

has been held to Mexicans & others who claim holding land in Calif, as confirmed & found by the phraseology of the law itself which distinctly specifies persons "claiming lands in Calif by virtue of an expired & ~~title derived from the~~ Mexican or Spanish grants"; and

Whereas, the Land (tch 3 lines p 6); and

Whereas, the Land Claims Law of 1851 has been afforded to ~~the plaintiffs~~ as a shield for ignoring the land rights of Calif Indians - rights made sacred by centuries of ~~undisputed~~ possession & occupancy, and to forestall similar injustices in future, it is hereby enacted that Calif Indians are exempt from provisions of the Calif Land Claims Law of 1851.

Therefore

SECTION I. Be it enacted by the Senate and House of Representatives in Congress Assembled, that the sum of $48,083,640 [the same being the value at 50 cents per acre without interest of the Indian lands of California, less 3,000,000 acres allowed for the Mission Strip and 450,000 acres allowed for reservations and allotments] be and the same is hereby appropriated out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized and accounted for for the benefit of the Indians of California, in accordance with the provisions of this Act, as compensation for, and in lieu of, all other moneys, lieu lands, or other compensation to which said Indians of California are, or may be, entitled in law or equity in the place of lands which have heretofore been taken from them under the provisions of said Eighteen Treaties, or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the Commission and to pay out thereof from ~~expend~~ the appropriation herein made. ~~through such State agency if in its discretion the Commission deems it advisable~~.

SECTION V-- The Commission shall keep current minutes, records and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this Act, and the purposes for which such expenditures have been made. Said report ~~shall~~ may also include any recommendations which the Commission desires to make for further Congressional action in connection with the purposes of this Act. The minutes, records and accounts of the Commission shall be open to inspection by any citizen at all times during business hours.

ABSTRACTS FROM MEMORANDUM
BY JOHN COLLIER, DATED JANUARY 29, 1926, ON H.R. 7838

A Bill to extend the civil and criminal laws of the United States to Indians, and for other purposes.

Sec. 2. Refers to reservation courts established by the Indian Bureau. The judges are named by the local superintendent and can be removed by him at his discretion. They are his subordinates.

"The impropriety of allowing such pseudo-courts to levy sentences up to six months imprisonment does not need to be dwelt on. Instead of giving statutory recognition to these unconstitutional courts and enlarging their powers, there had better be a statute abolishing them."

Sec. 4. "The summary abolition of Indian custom marriage and divorce is a radical step which would have confusing and far-reaching results, being a complete reversal of the congressional policy through all past time. Such a step ought not to be taken unless there is practical evidence of the need for it; also it should not be taken without first learning what degree of confusion, if any, it would create among Indian tribes. It is suggested that the anthropologists of the Smithsonian Institution be called into counsel on this subject.

"This much can be said; the customs of marriage and divorce among the Pueblo Indians and Navajo Indians, more than 50,000 in number, are distinctive. They are highly defined and are enforced and obeyed within the tribes. They produce a greater faithfulness to the marriage contract than can be demonstrated in any white country and at least as great a parental care for offspring. The marriage and divorce customs of these tribes, involved as they are with

the schemes of inheritance through the clan, are an integral part of the social and moral fabric of the tribe's life. To illegalise them with no assurance whatever of being able to provide a moral or even legal substitute of effective kind, would be a grave act."

Sec. 6. "See Sec. 4. The two go together. Undoubtedly hundreds of Navajo Indians would quickly become subject to the heavy penalties in this section."

"THE BIG OMISSION OF THIS BILL."

"The bill authorizes these Indian judges and superintendents' courts, giving them severe powers and leaving their verdicts unappealable. It requires no procedure of them.

"But what is more astonishing, is that the bill makes no effort to name or describe the offenses which they shall have jurisdiction over. So far as this bill indicates, the courts may be wholly arbitrary and may construe as a crime anything they desire, fining or imprisoning with no appeal.

"Of course the statute leans on the existing practice by which the Commissioner of Indian Affairs makes regulations and these have the effect of statute law until Congress overrules them. The regulations are numerous -- there are many hundreds of them. Most of them are inaccessible in any conveniently printed form. They may be changed without notice and are wholly arbitrary being nothing but administrative orders. Thus the Indian Commissioner is left in position of moral legislator for the Indians. The way in which he has abused this authority in the past in well known The most picturesque case being his enactment of a code of crimes of

conscience -- a code of religious crimes, which code has been enforced by Indian superintendents and judges.

"The fact that the Bureau of Indian Affairs puts this measure forward as an administration measure is very revealing concerning its actual present practices with the Indians and its conception of how to deal with Indian life. The bill does not even contain a constructive suggestion. Its ideas would have been appropriate to the days of absolute monarchy."

"ARE THERE CONDITIONS REQUIRING LEGISLATION?"

"Decidedly there are. The situation can be stated as follows:

"1. The federal courts have jurisdiction over seven crimes named by statute with specific reference to Indians. These crimes are murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny. Crimes by a white person on a reservation are fully covered by federal and state laws including liquor crimes.

"2. 'Except when prohibited by statute, the Indian laws and customs control in all internal affairs of the tribes. Their laws and proceedings are on the same footing as those of other territories of the United States. etc.' Kappler, Vol. 3, page 725, with numerous references.

"This means that where the tribal customs and tribal organization still exist, offenses not dealt with in the federal statute are left to the tribe. Arrest, trial, and punishment and the code of laws governing are in the hands of the tribe.

"3. Historical causes and the past and present policies of the Indian Bureau and sometimes of Congress, have confused the tribal customs and destroyed the tribal organizations in many tribes.

These tribes are in the anomalous position of being subject to neither federal nor state nor to tribal laws except the offenses dealt with in federal statute. The Indian Bureau has consistently ignored the congressional mandate that tribes be allowed to govern their own internal affairs. It has done this even among tribes as thoroughly organized as the Arizona and New Mexico Pueblos. It has maintained Indian judges and in their absence has dictated the tribal internal affairs through the superintendent.

"The policy has been unevenly applied as must be the case where government is purely personal or based on informal or unpublished regulations.

"There is nothing acute in the situation and nothing new that it should be considered whether the position of the Indians ought not to be regularized as follows:

"1. Jurisdiction over all felonies to be in the federal courts.

"2. The laws describing crimes (other than those named in the present statute) and misdemeanors of the states to be made applicable to Indians.

"3. Jurisdiction to be in the hands of Commissioners of the United States court, with appealto the U. S. District Court, and jury trial in all appropriate cases when demanded.

"4. Exceptions. Where tribal organization still exists, the handling of offenses below the felony class should be left to such tribal organizations, and the tribal code of conduct should be allowed to prevail. This has been the law in the past, though as stated above it has been administratively ignored in many cases by the Indian Bureau.

"Also as stated in the body of this document, neither the state nor an omnibus federal law should be applied to marriage, divorce, and inheritance in the Indian tribes without a scientific inquiry into (a) whether there is any practical need for it and (b) whether the effects would be demoralizing rather than regularizing.

"The Walsh Bill (Senate 1038) partially embodies the above suggestions. Consideration should be given as to whether the first section of that bill ought not to be amended by eliminating mention of marriage; and whether there should not be an amendment making it clear that the enforcement of the health and educational laws is not to be put on the proposed U. S. court Commissioners. The law might be amended to give complete sanitary jurisdiction overthe reservations to the states, but it must be noted that this jurisdiction would then be concurrent with that of the Indian Bureau until such time as the function of heath administration is turned over to the states.

"The Walsh Bill also fails to make any provision for the operation of tribal customs and the enforcement by the tribal authority of the tribe's laws."

"CONCERNING THE PREVALENCE OF TRIBAL CUSTOM AND THE AUTHORITY OF TRIBAL OFFICERS"

"One not acquainted at first hand with Indian life or with the publications of anthropologists may fail to see the importance of respecting the tribal customs and authority.

"It is a fact that among tribes probably aggregating 100,000 in membership, the tribal laws and tribal authority are still pre-

serving a degree of law and order unknown in the surrounding white communities. Any investigation will demonstrate that the tribal customs are persuasive upon the Indians and that the tribal authority is obeyed. Any investigation will showthat the net outcome is what Americans and their lawmakers would call moral, law-abiding, honest, etc. etc.

"The Tribal custom has this great virtue, that it is law willingly obeyed rather than law enforced against resistances -- enforced by an authority who has not got the cooperation of the public. Why should the United States at this particular time want to multiply the friction creating laws?

"To illegalise the Indian customs and tribal authority will be to throw away much that is best in Indian life. Perhaps the greates hurt done by the Indian Bureau in past years, has been its illegal crushing of these tribal customs and authorities. One of the great tragedies in Oklahoma was the destruction of tribal authority by congressional acts.

"There is a very long history of governmental policy in this matter of tribal customs and authority, which should not lightly be disregarded. At least there should be called into consultation such authorities on Indian life as, for example, the following: F. W. Hodge of the Museum of the American Indian, Clark Wissler of the Museum of Natural History, Dr. C. Hart Merriam of the Smithsonian (now in Washington)."

John Collier.

The Wheeler-Howard Indian Bill (S. 3645) as enacted by the Congress June 16, 1934.

A BILL

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, act of Congress, Executive Order, purchase, or otherwise, shall be allotted in severalty to any Indian.

69TH CONGRESS
1ST SESSION

H. R. 8824

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1926

Mr. FREAR introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

Regulating Indian allotments disposed of by will.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910, be amended to read as follows:

"SEC. 2. That any person of the age of twenty-one years having any right, title, or interest in any allotment held under trust or through patent containing restrictions on alienation, or individual Indian moneys or other properties held in trust by the United States, shall have the right prior

to the expiration of the trust or restrictive period and before the issuance of a fee simple patent, or the removal of restrictions, to dispose of such property by will: *Provided, however,* That if at any time it is discovered that there has been fraud in connection with the execution or procurement of the will it shall be the duty of the Secretary of the Interior to contest such will, and jurisdiction in such contest is hereby conferred on the United States district court of the district where the testator resided: *Provided further,* That any person claiming interest in the property of the testator shall be entitled to contest the will in the United States district court as above specified: *Provided further,* That the death of the testator shall not operate to terminate the trust or restrictive period: *Provided further,* That the sale, lease, or administration of such property willed by a testator shall be controlled by the laws affecting Indian allotments held under trust, except that where a legatee has been previously declared competent, such portion of any land or trust funds as he may inherit shall be delivered to him without restriction.

"SEC. 3. In the event of the death of an Indian allottee without leaving a will it shall be the duty of the Secretary of the Interior to determine the heirs of said allottee: *Provided however,* That in the event of unreasonable delay by the Secretary of the Interior in making such determination, any person claiming an interest in the estate of said deceased

allottee may apply to the United States district court of the district in which said deceased allottee resided for a determination, and jurisdiction is hereby conferred on the United States district court to entertain such plea and make such determination: *Provided further,* That any person claiming an interest in the estate of a deceased allottee shall be entitled to appeal the determination of heirs made by the Secretary of the Interior to the United States district court as above designated and jurisdiction is hereby conferred on the United States district court to entertain such appeal.

"SEC. 4. Sections 1, 2, and 3 of this Act shall not apply to the Five Civilized Tribes or the Osage Indians."

69TH CONGRESS } H. R. 8824
1ST SESSION

A BILL

Regulating Indian allotments disposed of by will.

By Mr. FREAR

JANUARY 8, 1926

Referred to the Committee on Indian Affairs and ordered to be printed

allottee may apply to the United States district court of the district in which said deceased allottee resided for a determination, and jurisdiction is hereby conferred on the United States district court to entertain such plea and make such determination: *Provided further*, That any person claiming an interest in the estate of a deceased allottee shall be entitled to appeal the determination of heirs made by the Secretary of the Interior to the United States district court above designated and jurisdiction is hereby conferred on the United States district court to entertain such appeal.

SEC. 5. Sections 1, 2, and 3 of this Act shall not apply to the Five Civilized Tribes or the Osage Indians."

69TH CONGRESS
2D SESSION

H. R. 15969

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1927

Mr. LEA of California introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

Authorizing the Attorney General of the State of California as prochein ami of the Indians of California to bring suit in the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act, the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State.

SEC. 2. That all claims of whatsoever nature the Indians of California as defined in section 1 of this Act may have against the United States (based upon those certain eighteen unratified treaties executed by the chiefs and head men of the several tribes and bands of Indians of California and

submitted to the Senate of the United States by the President of the United States for ratification on the 1st day of June, 1852) for deprivation of the lands and goods or any other thing of value referred to in said treaties may be submitted to the Court of Claims by the attorney general of the State of California as prochein ami or next friend acting for and on behalf of said Indians (in the event the State should authorize its attorney general so to act), for determination of the equitable amount due said tribes or bands from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such equitable claims of said Indians against the United States and to render final decree thereon.

It is hereby declared to be the judgment of the Congress that the loss to the said Indians on account of the eighteen unratified treaties is sufficient ground for equitable relief.

SEC. 3. If any claim or claims be submitted to said courts, they shall settle the equitable rights therein, notwithstanding lapse of time or statutes of limitation or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the Act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided,* That any decree

for said Indians shall be for an amount equal to the fair value of the compensation provided for the Indians in said eighteen unratified treaties, including the lands described therein at $2.50 per acre. Any payment which may have been made by the United States or moneys heretofore or hereafter expended for the benefit of the Indians of California shall not be pleaded as an estoppel, but may be pleaded by way of set-off.

SEC. 4. The claims of the Indians of California under the provisions of this Act shall be presented by petition, which shall be filed within three years after the passage of this Act. Said petition shall be subject to amendment. The petition shall be signed and verified by the attorney general of the State of California. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give the said attorney access to such papers, correspondence, or furnish such certified copies of records as may be necessary in the premises, free of cost.

SEC. 5. In the event that the court renders judgment against the United States under the provisions of this Act, it shall decree such amount as it finds reasonable to be paid to the State of California to reimburse the State for moneys expended by the State in the employment of attorneys to

prosecute the claims of the Indians and for all necessary costs and expenses incurred by said State: *Provided,* That no reimbursement shall be made to the State of California for the services rendered by its attorney general.

SEC. 6. The proceeds of any judgment, when appropriated, shall be placed in the Treasury of the United States to the credit of the Indians of California, and shall draw interest at the rate of 4 per centum per annum, and shall be disposed of as Congress shall hereafter direct: *Provided,* That the Secretary of the Treasury is authorized and directed to pay to the State of California, out of the proceeds of the judgment when appropriated, the amount decreed by the court to be due said State as provided in section 5 of this Act.

SEC. 7. For the purpose of determining who are entitled to be enrolled as Indians of California as provided in section 1 hereof, the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of persons entitled to enrollment Any person claiming to be entitled to enrollment may, within two years after the approval of this Act, make an application, in writing, to the Secretary of the Interior for enrollment At any time within three years of the approval of this Act, the Secretary shall have the right to alter and revise the roll, at the expiration of which time said roll shall be final and conclusive as to the rights of the persons entitled to be enrolled: *Provided,* That the Secretary of the Interior, under such rules and regulations as he may prescribe, shall also cause to be made, within the time specified herein, a roll of all Indians in California other than Indians that come within the provisions of section 1 of this Act

69TH CONGRESS
2D SESSION

H. R. 15969

A BILL

Authorizing the attorney general of the State of California as prochein ami of the Indians of California to bring suit in the Court of Claims.

By Mr. LEA of California

JANUARY 6, 1927

Referred to the Committee on Indian Affairs and ordered to be printed

Read from Hon. Hubert D. Stephens Feb. 9, 1926

BILL PROVIDING THAT FUNDS APPROPRIATED FOR THE CARE AND RELIEF OF INDIANS OF CALIFORNIA UNDER THE DIRECTION OF THE SECRETARY OF THE INTERIOR SHALL BE EXPENDED THROUGH CERTAIN PUBLIC AGENCIES OF THE STATE OF CALIFORNIA.

BE IT ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

That all funds which may be appropriated by Congress during the first and second sessions of the Sixty-ninth Congress for the education or medical attention or health service, and for the relief of the aged and infirm, among the Indians of California, shall, under the general direction of the Secretary of the Interior, be administered exclusively through the following public agencies of theState of California, viz:

All sums appropriated for the care and hospitalization of, and medical attention for, the sick or injured Indian, and for the control and prevention of cummunicable and infectious diseases and the general sanitation among the Indians, through the State Board of Health;

All sums appropriated for the construction and maintenance of schools and the education of California Indians, through the State Department of Education;

All sums appropriated for the relief of the aged, infirm and indigent Indians, through the State Department of Public Welfare;

PROVIDED, that before the Secretary of the Interior shall approvethe expenditure of any of the sums so appropriated he shall receive official assurance from the respective State agencies of the State of California above-mentioned of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

received such official consent from the respective agencies of the State of California above-mentioned, he shall require, as a condition to his approval of expenditures, the submission by each of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to b e expended. The total amount of each annual budget shall in no instance exceed the average amount expended by the Department of the Interior annually during the past five years for the purposes included within the jurisdiction of the State agency submitting such budget. Upon submission of said budgets, the Secretary of the Interior shall examine and approve or modify same, and notify the State agencies in question as to his approval or the extent of his modification of said budgets, and the State agencies in question may then incur expenditures for the purposes, and within the limits, specified in said respective budgets as approved or modified, and claims against the United States for such expenditures will be allowed out of the respective appropriations applicable thereto upon approval of the Secretary of the Interior.

SEC. 3. For the purpose of enabling the administration of the educational, medical, sanitary and surgical service, and the relief for the aged and infirm among the Indians of California, for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit said State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians, together with such accessories, books, equipment, apparatus, live-stock, and other personal property in connection therewith as may be under his

control at the time that the above-mentioned State agencies assume charge of such work, ex cepting only the lands, buildings and equipment known as Sherman Institute, The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said educational, medical, health and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State Board of Health and State Department of Education shall be permitted to enter upon all Indian lands, reservations and trust allotments for the purpose of making inspection of health and educational conditions, and enforcing sanitation and quarantine regulations made or imposed by such State agencies and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care and return of government property and records in the event that the administration through said State agencies should be discontinued at a future date.

SEC. 4.Nothing in this act shall be construed as effecting any changes in the administration of Indian agricultural or farm lands or irrigation service for said agricultural and farm lands, However, In the event that the State of California, through its Department of Agriculture, or any other State agency, shall proceed under authority from the Legislature of said State to make a survey of the problems of land administration and irrigation among the Indians of California, all records and data relating to the purchase, administration, ex penditures, revenues and productive character of or for Indian lands in California, and of the cost and method of irrigating same, in the possession of any bureau or service of the Department of the Interior shall be open to the inspection of the State of California

and its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

SEC. 5 The Secretary of the Interior shall report in writing to the first session of the Seventieth Congress the results of the administration of Indian affairs in California through State agencies together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

69th CONGRESS
1st Session

H. R. 8 8 2 1

- - - - - - - - - - - - - - - - - -

IN THE HOUSE OF REPRESENTATIVES

February 3, 1926

Mr. Swing (by request) introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

- - - - - - - - - - - - - - - - - -

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all funds which may be appropriated by Congress during the first and second sessions of the Sixty-ninth Congress and both sessions of the Seventieth and Seventy-first Congress for the education (save Sherman Institute) or medical attention or health service and for the relief of the aged and infirm, among the Indians of California, including funds generally appropriated for such purposes for benefit of all Indians and thereafter allocated by the Secretary of the Interior to the California Indians in particular, shall, under the general direction of the secretary of the Interior, be administered exclusively through the following public agencies of the State of California, viz:

Rec'd from Miss Brandley Dec. 27, 1926.

All sums appropriated for the care and hospitalization of and medical attention for the sick or injured Indians and for the control and prevention of communicable and infectious diseases and the general sanitation among the Indians, through the State Board of Health;

All sums appropriated for the construction and maintenance of schools and the education of California Indians, through the State Department of Education; and

All sums appropriated for the relief of the aged, infirm, and indigent Indians, through the State Department of Public Welfare:

Provided, That before the Secretary of the Interior shall approve the expenditure of any of the sums so appropriated he shall receive official assurance from the respective State agencies of the State of California above mentioned of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

Sec. 2. If and when the Secretary of the Interior shall have received such official consent from the respective agencies of the State of California above mentioned, he shall require as a condition to his approval of expenditures the submission by each of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to be expended, which budget shall also have endorsed thereon the approval of the State Board of Control of California. The sum total of the several annual budgets shall not exceed the total average amount expended by the Department of the Interior annually during the past five years for the aggregate purposes in-

cluded within the jurisdictions of the several State agencies submitting such budgets.

Upon submission of said budgets, the Secretary of the Interior shall examine and approve or modify the same and notify the state agencies in question as to his approval or the extent of his modification of said budgets. Upon receipt of such notification from the Secretary of the Interior, the state agencies in question may then incur indebtedness for the purposes and within the limit specified in said respective budgets as approved or modified, and claims against the United States for payment of such indebtedness to the party or parties with whom it is incurred will be allowed out of the respective appropriations applicable thereto upon the approval of the Secretary of the Interior or a representative designated by him. Copies of vouchers received by the Government Disbursing Officer will be filed with the state agencies as evidence that the indebtedness has been paid.

Sec. 3. For the purpose of enabling the administration of the education, medical, sanitary, and surgical service, and the relief for the aged and infirm among the Indians of California, for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit said State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians, together with such accessories, books, equipment, apparatus, livestock, and other personal property in connection therewith as may be under his control at the time that the above-mentioned State agencies assume charge of such work, excepting

only the lands, buildings, and equipment known as Sherman Institute. The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said educational, medical, health, and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State Board of Health and State Department of Education shall be permitted to enter upon all Indian lands, reservations, and truant allotments for the purpose of making inspection of health and educational conditions, and enforcing sanitation and quarantine regulations made or imposed by such State agencies and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care, and return of Government property and records in the event that the administration through said State agencies should be discontinued at a future date.

Sec. 4. Nothing in this Act shall be construed as effecting any change in the administration of Indian agricultural or farm lands or irrigation service for said agricultural and farm lands. However, in the event that the State of California, through its department of agriculture or any other State agency, shall proceed under authority from the legislature of said State to make a survey of the problems of land administration and irrigation among the Indians in California, all records and data relating to the purchase, administration, expenditures, revenues, and productive character of or for Indian lands in California, and of the cost and method of irrigating same, in the possession of any bureau or service of the Department of the Interior shall be open to inspection of the

State of California and its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

Sec. 5. The Secretary of the Interior shall report in writing to the first sessions of the Seventy-first and Seventy-second Congresses the results of the administration of Indian affairs in California through State agencies together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

69TH CONGRESS
1ST SESSION

H. R. 9133

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1926

Mr. HAYDEN introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

To authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions contained in the Act of May 29, 1924 (Forty-third Statutes, page 244).

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive order Indian reservations or withdrawals shall be distributed

as follows: Thirty-seven and one-half per centum shall be paid in lieu of taxes to the State within the boundaries of which the leased lands or deposits are located, upon the condition that the same are to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads within the respective reservations in which the leased lands are situated and public roads contributory thereto and forming a part of the same highway system, or for the support of public schools or other public educational institutions attended by Indian children; 62½ per centum shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per centum per annum and be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

SEC. 3. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any applicant to whom a permit to prospect for oil and gas under lands within an Indian reservation or withdrawal created by Executive order has heretofore been issued in accordance with the provisions of the Act of February 25, 1920 (Forty-first Statutes, page 437), or the holder thereof, to prospect for a period of two years

from the date this Act takes effect, or for such further time as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in his permit, under the terms and conditions therein set out, and a substantial contribution toward the drilling of the geologic structure by the holder of a permit thereon may be considered as prospecting under the provisions hereof; and upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil and gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or

persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they may accrue for that year, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided further*, That the Secretary shall have the right to reject any or all bids.

69TH CONGRESS
1ST SESSION

H. R. 9133

A BILL

To authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations.

By Mr. HAYDEN

FEBRUARY 9, 1926

Referred to the Committee on Indian Affairs and ordered to be printed

With suggested amended wordings.

69TH CONGRESS
1ST SESSION

H. R. 9497

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1926

Mrs. KAHN introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

Whereas in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which certain Indian tribes in California, represented by four hundred and one chiefs, captains, and headmen, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right

of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

Whereas the early recognition of the claim of prior occupancy in the United States is shown by the following communication, drawn up by General Knox, Secretary of War, and transmitted to Congress on June 15, 1789, by George Washington, President of the United States:

"The Indians, being the prior occupants, possess the right of soil. It can not be taken from them unless by their free consent, or by right of conquest in case of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation"; and

Whereas due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years and their insistence on unrestricted rights in all parts of the State, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with by far the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were ever made, was assumed by the United States without process of law and has since been patented in a greater part to other persons; and

Whereas all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with

express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over $22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than

four hundred and fifty thousand acres, or a per capita acreage as of 1925 of less than twenty-four acres, most of which land is wholly unfit for cultivation or even habitation; and

Whereas it is an established historic fact universally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving hundreds of them in the dead of winter through rain and mud and snow to far-away unlegal "reservations"—men, women, and little children, including the old, the feeble, and the sick—many perishing on the way from hardship and the brutality of the drivers, by forcing thousands into remote and inhospitable parts of the State, by depriving them of their natural food, thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases, and on several occasions by massacring large numbers in cold blood, while for a period of at least fifteen years (1849–1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

Whereas since 1848, when the treaty of Guadalupe Hidalgo transferring absolute possession of California from Mexico to the United States was confirmed, citizens of the United States have occupied millions of acres rightfully belonging to Indians and have profited from the use thereof by hundreds of millions of dollars; and

Whereas it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made and entered into in 1851 and 1852, and through the

failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the sum of ~~$49,583,640 (the same being the value at 50 cents per acre, without interest, of the Indian lands of California, less the four hundred and fifty thousand acres at present allowed for reservations and allotments)~~ $10,000,000 be, and the same is hereby, appropriated, out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized, and accounted for for the benefit of the Indians of California, in accordance with the provisions of this Act, as compensation for and in lieu of all other moneys, lieu lands, or other compensation, not yet awarded, set aside, or paid, to which said Indians of California are or may be entitled in law or equity in the place of lands which have heretofore been taken from them under the provisions of ~~said "Eighteen treaties,"~~ of the eighteen unratified treaties of 1851 and 1852, or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SEC. 2. There is hereby created a commission, to be known as the California Indian Land Commission, to consist

, or in fulfillment of the moral obligations of the United States Government,

of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this Act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this Act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries however shall

(INSERT "A") The California Indian Land Commission shall have exclusive control and direction of the expenditure of the sums herein above appropriated for the uses herein specified.

have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands or home-sites as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems where deemed necessary; erect fences, farm buildings, and suitable living quarters on said lands ~~thereon~~; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, or trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands;

for the use of California Indians

of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall [illegible] agricultural la[illegible] in California. [illegible] appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this Act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this Act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of $ annually. (Insert "A")

SEC. 3. The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands or homesites as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems where deemed necessary; erect fences, farm buildings, and suitable living quarters on said lands; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, or trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands;

and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necesary household furnishings and utensils during said period.

The commission shall make suitable rules and regulations in conformity with the provisions of this Act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this Act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants.

The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be

(INSERT "B") and the patentees and their descendants shall be no longer subject to special supervision or protection as wards of the United States Government,

That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents or employees of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government

and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necesary household furnishings and utensils during said period.

The commission shall make suitable rules and regulations in conformity with the provisions of this Act to insure the proper admi
agents.

Title to all land purchased
terms of this Act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the commission, and shall be subject to local assessment and taxation: *Provided, however,* That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government

which may be hereafter charged with the construction, maintenance, or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the commission, to supervise or assist in the installation, maintenance, and operation of such systems, the cost of such work to be paid by the commission out of the appropriation herein made.

Said commission is also authorized to request and utilize the assistance of any bureau, department, or agency of the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the commission and to pay the cost thereof from the appropriation herein made.

SEC. 5. The commission shall keep current minutes, records, and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this Act, and the purposes for which such expenditures have been made. Said report may include also any recommendations which the commission desires to make for further congressional action in connection with the purposes of this Act. The minutes, records, and accounts of the commission shall be open to inspection by any citizen at all times during business hours.

69TH CONGRESS
1ST SESSION

H. R. 9497

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

By Mrs. KAHN

FEBRUARY 18, 1926
Referred to the Committee on Indian Affairs and ordered to be printed

69TH CONGRESS
1ST SESSION

H. R. 9497

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1926

Mrs. KAHN introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

---

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

Whereas in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which certain Indian tribes in California, represented by four hundred and one chiefs, captains, and headmen, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right

of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

Whereas the early recognition of the claim of prior occupancy in the United States is shown by the following communication, drawn up by General Knox, Secretary of War, and transmitted to Congress on June 15, 1789, by George Washington, President of the United States:

"The Indians, being the prior occupants, possess the right of soil. It can not be taken from them unless by their free consent, or by right of conquest in case of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation"; and

Whereas due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years and their insistence on unrestricted rights in all parts of the State, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with by far the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were ever made, was assumed by the United States without process of law and has since been patented in a greater part to other persons; and

Whereas all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with

express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and through mis-understanding of the Spani[illegible] by the courts referred to in the Land C[illegible] recover for lands taken f[illegible] court on the ground that [illegible] the Land Commissioners;

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over $22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than

n hundreds of years of undisturbed occu-
the right of possession under the laws of
the cession of California to the United

cognition of the claim of prior occupancy
ates is shown by the following communica-
by General Knox, Secretary of War, and
Congress on June 15, 1789, by George
esident of the United States:

ans, being the prior occupants, possess the
It can not be taken from them unless by
nt, or by right of conquest in case of a just
ssess them on any other principle would be
n of the fundamental laws of nature, and of
justice which is the glory of a nation"; and

great influx of white immigrants into Cali-
he gold rush of 1849 and succeeding years
tence on unrestricted rights in all parts of
ratification of these treaties by the Senate
States was never carried out, but on the
of the lands which the Indians had agreed
United States were taken from them, together
greater part of the lands to which they were
under the terms of said treaties, and title to
en as aforesaid, together with title to other
d by other uncivilized Indians of California
o treaties were ever made, was assumed by
tes without process of law and has since been
greater part to other persons; and

more civilized or so-called Mission Indians of
o were in occupation of lands granted to other
he Governments of Spain and Mexico with

express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and through mis-understanding by the courts of the Spanish and Mexican Land Grant System referred to in the Land Claims Law of 1851, suits brought to recover for lands taken from them have been thrown out of court on the ground that said claims had not been filed with the Land Commissioners; and

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over $22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than

four hundred and fifty thousand acres, or a per capita acreage as of 1925 of less than twenty-four acres, most of which land is wholly unfit for cultivation or even habitation; and

Whereas it is an established historic fact universally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving hundreds of them in the dead of winter through rain and mud and snow to faraway unlegal "reservations"—men, women, and little children, including the old, the feeble, and the sick—many perishing on the way from hardship and the brutality of the drivers, by forcing thousands into remote and inhospitable parts of the State, by depriving them of their natural food, thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases, and on several occasions by massacring large numbers in cold blood, while for a period of at least fifteen years (1849–1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

Whereas since 1848, when the treaty of Guadalupe Hidalgo transferring absolute possession of California from Mexico to the United States was confirmed, citizens of the United States have occupied millions of acres rightfully belonging to Indians and have profited from the use thereof by hundreds of millions of dollars; and

Whereas it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made and entered into in 1851 and 1852, and through the

failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $49,583,640 (the same being the value at 50 cents per acre, without interest, of the Indian lands of California, less the four hundred and fifty thousand acres at present allowed for reservations and allotments) be, and the same is hereby, appropriated, out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized, and accounted for for the benefit of the Indians of California, in accordance with the provisions of this Act, as compensation for and in lieu of all other moneys, lieu lands, or other compensation to which said Indians of California are or may be entitled in law or equity in the place of lands which have heretofore been taken from them under the provision of said "Eighteen treaties," or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SEC. 2. There is hereby created a commission, to be known as the California Indian Land Commission, to consist

of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this Act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this Act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of $ annually.

SEC. 3. The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems, where deemed necessary; erect fences, farm buildings, and suitable living quarters thereon; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands;

and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necesary household furnishings and utensils during said period.

The commission shall make suitable rules and regulations in conformity with the provisions of this Act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this Act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the commission, and shall be subject to local assessment and taxation: *Provided, however,* That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government

which may be hereafter charged with the construction, maintenance, or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the commission, to supervise or assist in the installation, maintenance, and operation of such systems, the cost of such work to be paid by the commission out of the appropriation herein made.

Said commission is also authorized to request and utilize the assistance of any bureau, department, or agency of the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the commission and to pay the cost thereof from the appropriation herein made.

SEC. 5. The commission shall keep current minutes, records, and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this Act, and the purposes for which such expenditures have been made. Said report may include also any recommendations which the commission desires to make for further congressional action in connection with the purposes of this Act. The minutes, records, and accounts of the commission shall be open to inspection by any citizen at all times during business hours.

69TH CONGRESS
1ST SESSION

H. R. 9497

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

By Mrs. KAHN

FEBRUARY 18, 1926
Referred to the Committee on Indian Affairs and ordered to be printed

69TH CONGRESS
1ST SESSION

H. R. 9497

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1926

Mrs. KAHN introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

Whereas in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which certain Indian tribes in California, represented by four hundred and one chiefs, captains, and headmen, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right

of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

Whereas the early recognition of the claim of prior occupancy in the United States is shown by the following communication, drawn up by General Knox, Secretary of War, and transmitted to Congress on June 15, 1789, by George Washington, President of the United States:

"The Indians, being the prior occupants, possess the right of soil. It can not be taken from them unless by their free consent, or by right of conquest in case of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation"; and

Whereas due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years and their insistence on unrestricted rights in all parts of the State, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with by far the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were ever made, was assumed by the United States without process of law and has since been patented in a greater part to other persons; and

Whereas all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with

express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over $22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than

four hundred and fifty thousand acres, or a per capita acreage as of 1925 of less than twenty-four acres, most of which land is wholly unfit for cultivation or even habitation; and

Whereas it is an established historic fact universally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving hundreds of them in the dead of winter through rain and mud and snow to far-away unlegal "reservations"—men, women, and little children, including the old, the feeble, and the sick—many perishing on the way from hardship and the brutality of the drivers, by forcing thousands into remote and inhospitable parts of the State, by depriving them of their natural food, thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases, and on several occasions by massacring large numbers in cold blood, while for a period of at least fifteen years (1849–1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

Whereas since 1848, when the treaty of Guadalupe Hidalgo transferring absolute possession of California from Mexico to the United States was confirmed, citizens of the United States have occupied millions of acres rightfully belonging to Indians and have profited from the use thereof by hundreds of millions of dollars; and

Whereas it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made and entered into in 1851 and 1852, and through the

failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $49,583,640 (the same being the value at 50 cents per acre, without interest, of the Indian lands of California, less the four hundred and fifty thousand acres at present allowed for reservations and allotments) be, and (authorized to be) the same is hereby appropriated, out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized, and accounted for for the benefit of the Indians of California, in accordance with the provisions of this Act, as compensation for and in lieu of all other moneys, lieu lands, or other compensation to which said Indians of California are or may be entitled in law or equity in the place of lands which have heretofore been taken from them under the provision of said "Eighteen treaties," or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SEC. 2. There is hereby created a commission, to be known as the California Indian Land Commission, to consist

of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this Act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this Act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of $ annually.

SEC. 3. The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems where deemed necessary; erect fences, farm buildings, and suitable living quarters thereon; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands;

and also for non agricultural Indians,

and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necesary household furnishings and utensils during said period.

of equipment according to the business or occupation of said Indians

The commission shall make suitable rules and regulations in conformity with the provisions of this Act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this Act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the commission, and shall be subject to local assessment and taxation: *Provided, however,* That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government

which may be hereafter charged with the construction, maintenance, or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the commission, to supervise or assist in the installation, maintenance, and operation of such systems, the cost of such work to be paid by the commission out of the appropriation herein made.

Said commission is also authorized to request and utilize the assistance of any bureau, department, or agency of the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the commission and to pay the cost thereof from the appropriation herein made.

SEC. 5. The commission shall keep current minutes, records, and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this Act, and the purposes for which such expenditures have been made. Said report may include also any recommendations which the commission desires to make for further congressional action in connection with the purposes of this Act. The minutes, records, and accounts of the commission shall be open to inspection by any citizen at all times during business hours.

69TH CONGRESS
1ST SESSION

H. R. 9497

A BILL

To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration.

By Mrs. KAHN

FEBRUARY 18, 1926

Referred to the Committee on Indian Affairs and ordered to be printed

D

Kahn bill as read from Collier

Oct. 1 Ladies

BILL PROVIDING FUNDS FOR THE REIMBURSEMENT OF THE INDIANS OF CALIFORNIA FOR LANDS TAKEN FROM THEM UNDER THE EIGHTEEN TREATIES of 1851, AND WITHOUT TREATY, AND UNDER SUBSEQUENT COURT DECISIONS. FOR WHICH NO COMPENSATION HAS HERETOFORE BEEN MADE: PROVIDING FOR THE ADMINISTRATION AND EXPENDITURE OF THE APPROPRIATION HEREIN MADE, AND FOR CREATING A COMMISSION TO HAVE CHARGE OF SAID ADMINISTRATION AND EXPENDITURES, AND PROVIDING FOR THE ACCOUNTING THEREOF.

BE IT ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

WHEREAS, in 1851 and 1852 there was concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which Indian tribes in California, represented by 401 chiefs, captains and head men, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right of possession under the laws of Mexico prior to the cession of California to the United States; and

WHEREAS, due to the great influx of white immigrants into California during gold rush in 1849 and succeeding years, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were even made, was assumed by the United States and has since been patented in a greater part to other persons; and

WHEREAS, all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with express reservations protecting the right of occupation of such Indians, failed to present their claims for confirmation to the Board of Land Commissioners created by the Act of Congress of March 3, 1851, within the period specified by the said Act, and the Government of the United States similarly failed, as the guardian of such Indians, to present the said claims, and the Supreme Court of the United States has consistently refused to recognize the validity of any possessory rights of such Indians which were not so presented for confirmation, and has continuously referred the matter of reimbursement and compensation of the Indians ejected from such lands to Congress for legislative action; and

WHEREAS, as a result of said failure to ratify the treaties made with certain Indians by its duly authorized Commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, and of said failure of certain other Indians to obtain confirmation of their rights reserved under Spanish and Mexican grants, the United States Government and its patentees have obtained without consideration all of the lands originally possessed by said Indians, for which, on the basis of the regular government price of $1.25 per acre, under said eighteen treaties alone the Indians concerned should have received lands of a value of $9,375,000 and cattle and implements of a value of $1,800,000 at the time said treaties were made, and

Compensation

WHEREAS, the Government has derived from sales of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over $22,785,000.00 up to June 30, 1918, according to the report of the Board of Indian Commission for the fiscal year ended June 30,1920, while all of the California Indians, on the other hand, have been awarded, during the seventy-five years that have elapsed since these treaties were made, only 517,000 acres, or a per capita acreage as of 1919 of only thirty-two acres, much of which land is wholly unfit for cultivation or habitation; and

WHEREAS, it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made and entered into in 1851 and 1852, and through the failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government or of Congress to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States,

NOW, THEREFORE, IT IS HEREBY ENACTED, that the sum of $_____ be and it is hereby appropriated out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized and accounted for for the benefit of the Indians of California, in accordance

with the provisions of this Act, as compensation for, and in lieu of, all other moneys, lieu lands, or other compensation to which said Indians of California are, or may be, entitled in law or equity in the place of lands which have heretofore been taken from them under the provisions of said Eighteen Lost Treaties, or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SECTION II - There is hereby created a Commission, to be known as the CALIFORNIA INDIAN LAND COMMISSION, to consist of two Commissioners appointed by the Secretary of the Interior, two Commissioners appointed by the Governor of the State of California, and one Commissioner to be appointed by the President of the United States. One of the Commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining Commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first Commissioners appointed, two shall hold office for two years, two for four years and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from death, resignation or inability to act shall be filled for the unexpired term by the appointing power who filled the position in which a vacancy may occur. Vacancies occurring due to expiration of term of office

of Commissioners shall be similarly filled.

Said Commission shall organize when appointed, and may employ a Secretary and such other employees and expert or technical advisors as it deems essential to the administration of the functions provided in this Act, and fix their compensation. The members of the Commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this act. Such expenses, together with salaries of all employees and other expenditures of the Commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of $_____ annually.

SECTION III. - The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands as it may deem necessary for the economic rehabilitation of said Indians; acquire or construct systems for the irrigation of such lands where the Commission deems it necessary; erect fences, farm buildings and suitable living quarters thereon; purchase farm machinery and equipment, livestock, seed, fertilizer, trees and other materials necessary for the proper and economic farming and irrigation of such lands, and marketing of the products therefrom; establish the minimum credits necessary for the maintenance of said Indians during the period which the Commission shall find it necessary to enable Indians settled on these lands purchased as foresaid, or on lands of existing Indian reservations, allotments, or trust allotments in California, to place themselves on a self-supporting basis

through the cultivation of such lands; and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistance, clothing and necessary household furnishings and utensils during said period.

The Commission shall make suitable rules and regulations in conformity with the provisions of this Act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this Act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the Commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end, any Indian applicant, or group of applicants, may make application to the Commission at any time for a certificate entitling said application to patent, or said group of applicants to a group patent. The Commission shall examine all facts relating to said application and to the ability of the applicant, or applicants, to administer independently his or their own affairs, and if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent issue to the applicant, or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the Seal of the United States to the person, or persons, named in said certificate as being entitled thereto;

thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the Commission, and shall be subject to local assessment and taxation. Provided, however, that the issuance of such patent shall not relieve the patentee, or patentees, or his, or their, successors, from supervision and direction by the Commission in the matter of joint irrigation of his property in connection with other lands under the Commission's jurisdiction, and in the joint use of roads, irrigation canals, or other community facilities.

SECTION IV - The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and through the duly authorized agents of said Commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The Commission shall have power to conduct the acquisition, installation, maintenance and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government which may be hereafter charged with the construction, maintenance or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the Commission, to supervice or assist in the installation, maintenance and operation of such systems, the cost of such work to be paid by the Commission out of the appropriation herein made.

Said Commission is also authorized to request and utilize the assistance of any bureau, department of agency of the State of California which may be authorized by law to

carry on work similar to that under the jurisdiction of the Commission and to expend the appropriation herein made through such State agency if in its discretion the Commission deems it advisable.

SECTION V - The Commission shall keep current minutes, records and accounts of all transcations and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this Act, and the purposes for which such expenditures have been made. Said report shall also include any recommendations which the Commission desires to make for further Congressional action in connection with the purposes of this Act. The minutes, records and accounts of the Commission shall be open to inspection by any citizen at all times during business hours.

69TH CONGRESS
1ST SESSION

S. 3020

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (calendar day, FEBRUARY 5), 1926

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all funds which may be appropriated by Congress during the first and second sessions of the Sixty-ninth Congress for the education or medical attention or health service and for the relief of the aged and infirm, among the Indians of California, shall, under the general direction of the Secretary of the Interior, be administered exclusively through the following public agencies of the State of California, namely:

All sums appropriated for the care and hospitalization of and medical attention for the sick or injured Indians and for the control and prevention of communicable and infectious diseases and the general sanitation among the Indians, through the State board of health;

All sums appropriated for the construction and maintenance of schools and the education of California Indians, through the State department of education; and

All sums appropriated for the relief of the aged, infirm, and indigent Indians, through the State department of public welfare:

Provided, That before the Secretary of the Interior shall approve the expenditure of any of the sums so appropriated he shall receive official assurance from the respective State agencies of the State of California above mentioned of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

SEC. 2. If and when the Secretary of the Interior shall have received such official consent from the respective agencies of the State of California above mentioned, he shall require as a condition to his approval of expenditures the submission by each of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to be expended. The total amount of each annual

budget shall in no instance exceed the average amount expended by the Department of the Interior annually during the past five years for the purposes included within the jurisdiction of the State agency submitting such budget. Upon submission of said budgets the Secretary of the Interior shall examine and approve or modify same and notify the State agencies in question as to his approval or the extent of his modification of said budgets, and the State agencies in question may then incur expenditures for the purposes and within the limits specified in said respective budgets as approved or modified, and claims against the United States for such expenditures will be allowed out of the respective appropriations applicable thereto upon approval of the Secretary of the Interior.

SEC. 3. For the purpose of enabling the administration of the educational, medical, sanitary, and surgical service, and the relief for the aged and infirm among the Indians of California, for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit said State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians, together with such accessories, books, equipment, apparatus, livestock, and other personal property in connection therewith

as may be under his control at the time that the above-mentioned State agencies assume charge of such work, excepting only the lands, buildings, and equipment known as Sherman Institute. The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said educational, medical, health, and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State Board of Health and State Department of Education shall be permitted to enter upon all Indian lands, reservations, and trust allotments for the purpose of making inspection of health and educational conditions, and enforcing sanitation and quarantine regulations made or imposed by such State agencies, and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care, and return of Government property and records in the event that the administration through said State agencies should be discontinued at a future date.

SEC. 4. Nothing in this Act shall be construed as effecting any change in the administration of Indian agricultural or farm lands or irrigation service for said agricultural and farm lands. However, in the event that the State of California, through its department of agriculture,

or any other State agency, shall proceed under authority from the legislature of said State to make a survey of the problems of land administration and irrigation among the Indians in California, all records and data relating to the purchase, administration, expenditures, revenues, and productive character of or for Indian lands in California, and of the cost and method of irrigating same, in the possession of any bureau or service of the Department of the Interior shall be open to inspection of the State of California and its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

SEC. 5. The Secretary of the Interior shall report in writing to the first session of the Seventieth Congress the results of the administration of Indian affairs in California through State agencies together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

69TH CONGRESS
1ST SESSION

S. 3020

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California.

By Mr. JOHNSON

FEBRUARY 1 (calendar day, FEBRUARY 5), 1926
Read twice and referred to the Committee on Indian Affairs

70TH CONGRESS } SENATE { REPORT
2d Session } { No. 1490

SURVEY OF CONDITIONS OF INDIANS OF THE UNITED STATES

JANUARY 17 (calendar day, JANUARY 23), 1929.—Ordered to be printed

Mr. FRAZIER, from the Committee on Indian Affairs, submitted the following

SPECIAL REPORT

[Pursuant to S. Res. 79]

Mr. Frazier, from the Committee on Indian Affairs, submitted the following special report of the subcommittee appointed by the committee to make a survey of the conditions of the Indians of the United States, under authority of Senate Resolution 79, Seventieth Congress:

SURVEY OF CONDITIONS AMONG THE INDIANS OF THE UNITED STATES

Whereas on the 1st day of February, 1928, the Senate of the United States passed a resolution authorizing and directing the Committee on Indian Affairs of the Senate to make a general survey of the conditions of the Indians and of the operation and effect of the laws which Congress has passed for the civilization and protection of the Indian tribes; to investigate the relation of the Bureau of Indian Affairs to the persons and property of Indians and the effect of the acts, regulations, and administration of said bureau upon the health, improvement, and welfare of the Indians; and to report its findings in the premises, together with recommendations for the correction of abuses that may be found to exist, and for such changes in the law as will promote the security, economic competence, and progress of the Indians;

Whereas the following subcommittee was appointed under the above resolution, to wit: Lynn J. Frazier, chairman; Robert M. La Follette, jr.; W. B. Pine; Burton K. Wheeler; Elmer Thomas;

Whereas pursuant to said resolution your committee, within the limits of its authority, sought to make the investigation called for therein and has held hearings in the States of Washington, Oregon, California, Utah, and has been and is now holding hearings in the District of Columbia;

Whereas on the 7th day of January, 1929, in the course of a hearing being at that time conducted by your committee, Charles H. Burke, Commissioner of Indian Affairs, interrupted the proceedings with the request that he be permitted to make a statement. Permission was granted, and the following statement was made:

"Commissioner BURKE. Referring to the testimony brought out before the committee this morning, I, Charles H. Burke, Commissioner of Indian Affairs, charge a conspiracy on the part of Senator W. B. Pine of Oklahoma, to destroy me because James Hepburn, a certain Oklahoma politician, was not appointed

superintendent of the Five Civilized Tribes. Senator Pine is using his political appointees now in the Department of Justice, namely, Selby and Parmenter, to aid him in carrying out this dastardly conspiracy, and Senator Pine is cooperating with John Collier, a notorious Indian agitator, who is actively engaged in a campaign trying to destroy me and the Indian Service."

Whereas in view of the seriousness of the charges, the Commissioner of Indian Affairs, Mr. Burke, was requested by the committee to produce evidence, if any he had, in support thereof, the committee agreeing to subpœna any witnesses requested by said commissioner and to defray their expenses to Washington. Thereafter Mr. Burke, represented by his counsel, E. O. Patterson, Solicitor of the Department of the Interior, appeared before the committee and he, the said commissioner, personally testified and was permitted to and did call before the committee such witnesses as he desired to substantiate the said charges as above set forth.

After hearing all of the evidence in the case and after considering the brief filed by Mr. Patterson, counsel for Mr. Burke, the committee is of the opinion that there is not a scintilla of evidence to support or substantiate the charge of conspiracy, or any other charge as set forth or made by Commissioner Burke before the Subcommittee on Indian Affairs against Senator Pine or against Messrs. Selby, Parmenter, or Collier: Therefore be it

Resolved, That the Subcommittee on Indian Affairs, which has under investigation the charges made by Commissioner Burke as against Senator Pine as above set forth, finds that Hon. W. B. Pine, of Oklahoma, is entirely innocent of the charges so made by said Commissioner Burke.

Senator Pine and Senator Thomas were not present and took no part in the findings of the committee.

Respectfully submitted.

LYNN J. FRAZIER, *Chairman.*
ROBERT M. LA FOLLETTE, Jr.
BURTON K. WHEELER.

O

71ST CONGRESS
2D SESSION

H. R. 7565

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 1929

Mr. SWING introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all funds which may be appropriated by Congress during the Seventy-first Congress for the education or medical attention or health service and for the relief of the aged and infirm among the Indians of California shall, under the general direction of the Secretary of the Interior, be administered exclusively through the following public agencies of the State of California, namely:

All sums appropriated for the care and hospitalization of and medical attention for the sick or injured Indians and for the control and prevention of communicable and infectious diseases and the general sanitation among the Indians, through the State board of health;

All sums appropriated for the construction and maintenance of schools and the education of California Indians, through the State department of education; and

All sums appropriated for the relief of the aged, infirm, and indigent Indians, through the State department of public welfare:

Provided, That before the Secretary of the Interior shall approve the expenditure of any of the sums so appropriated he shall receive official assurance from the respective State agencies of the State of California above mentioned of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

SEC. 2. If and when the Secretary of the Interior shall have received such official consent from the respective agencies of the State of California above mentioned, he shall require as a condition to his approval of expenditures the submission by each of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to be expended. The total amount of each annual

budget shall in no instance exceed the average amount expended by the Department of the Interior annually during the past five years for the purposes included within the jurisdiction of the State agency submitting such budget. Upon submission of said budgets the Secretary of the Interior shall examine and approve or modify same and notify the State agencies in question as to his approval or the extent of his modification of said budgets, and the State agencies in question may then incur expenditures for the purposes and within the limits specified in said respective budgets as approved or modified, and claims against the United States for such expenditures will be allowed out of the respective appropriations applicable thereto upon approval of the Secretary of the Interior.

SEC. 3. For the purpose of enabling the administration of the educational, medical, sanitary, and surgical service, and the relief for the aged and infirm among the Indians of California, for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit said State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians, together with such accessories, books, equipment, apparatus, livestock, and other personal property in connection therewith

as may be under his control at the time that the above-mentioned State agencies assume charge of such work, excepting only the lands, buildings, and equipment known as Sherman Institute. The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said educational, medical, health, and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State Board of Health and State Department of Education shall be permitted to enter upon all Indian lands, reservations, and truant allotments for the purpose of making inspection of health and educational conditions, and enforcing sanitation and quarantine regulations made or imposed by such State agencies and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care, and return of Government property and records in the event that the administration through said State agencies should be discontinued at a future date.

SEC. 4. Nothing in this Act shall be construed as effecting any change in the administration of Indian agricultural or farm lands or irrigation service for said agricultural and farm lands. However, in the event that the State of California, through its department of agriculture,

or any other State agency, shall proceed under authority from the legislature of said State to make a survey of the problems of land administration and irrigation among the Indians in California, all records and data relating to the purchase, administration, expenditures, revenues, and productive character of or for Indian lands in California, and of the cost and method of irrigating same, in the possession of any bureau or service of the Department of the Interior shall be open to inspection of the State of California and its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

SEC. 5. The Secretary of the Interior shall report in writing to the first session of the Seventy-second Congress the results of the administration of Indian affairs in California through State agencies together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

71ST CONGRESS
2D SESSION

H. R. 7565

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California.

By Mr. SWING

DECEMBER 14, 1929

Referred to the Committee on Indian Affairs and ordered to be printed

71ST CONGRESS
2D SESSION

S. 2669

IN THE SENATE OF THE UNITED STATES

DECEMBER 13 (calendar day, DECEMBER 14), 1929

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

Providing that funds appropriated for the care and relief of Indians of California, under the direction of the Secretary of the Interior, shall be expended through certain public agencies of the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all funds which may be appropriated by Congress during the Seventy-first Congress for the education or medical attention or health service and for the relief of the aged and infirm among the Indians of California, including funds generally appropriated for such purposes for benefit of all Indians and thereafter allocated by the Secretary of the

Interior to the California Indians in particular, shall, under the general direction of the Secretary of the Interior, be administered exclusively through the following public agencies of the State of California, namely:

All sums appropriated for the care and hospitalization of and medical attention for the sick or injured Indians and for the control and prevention of communicable and infectious diseases and the general sanitation among the Indians, through the State board of health;

All sums appropriated for the construction and maintenance of schools and the education of Indians, through the State department of education; and

All sums appropriated for the relief of the aged, infirm, and indigent Indians, through the State department of public welfare:

Provided, That before the Secretary of the Interior shall approve the expenditure of any of the sums so appropriated he shall receive official assurance from the respective State agencies of the State of California, above mentioned, of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

SEC. 2. If and when the Secretary of the Interior shall have received such official consent from the respective agencies of the State of California, above mentioned, he

shall require as a condition to his approval of expenditures the submission by each of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to be expended, which budget shall also have indorsed thereon the approval of the State board of control of California. The sum total of the several annual budgets shall not exceed the total average amount expended by the Department of the Interior annually during the past five years for the aggregate purposes included within the jurisdictions of the several State agencies submitting such budgets. Upon submission of said budget the Secretary of the Interior shall examine and approve or modify the same and notify the State agencies in question as to his approval or the extent of his modification of said budgets. Upon receipt of such modification from the Secretary of the Interior the State agencies in question may then incur indebtedness for the purposes and within the limits specified in said respective budgets as approved or modified, and claims against the United States for payment of such indebtedness to the party or parties with whom it is incurred will be allowed out of their respective appropriations applicable thereto upon the approval of the Secretary of the Interior or a representative designated by him. Copies of vouchers received by the Government disbursing officer will be filed with the State agencies as evidence that the indebtedness has been paid.

SEC. 3. For the purpose of enabling the administration of the education, medical, sanitary, and surgical service, and the relief for the aged and infirm among the Indians of California for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit said State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians, together with such accessories, books, equipment, apparatus, livestock, and other personal property in connection therewith as may be under his control at the time that the above-mentioned State agencies assume charge of such work. The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said education, medical, health, and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State board of health, the State department of education, and the State department of public welfare shall be permitted to enter upon all Indian lands, reservations, and trust allotments for the purpose of making inspection of health and educational conditions and enforcing

sanitation and quarantine regulations made or imposed by such State agencies, and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care, and return of Government property and records in the event that the administration through said State agencies should be discontinued at a future date.

SEC. 4. Nothing in this Act shall be construed as effecting any change in the administration of Indian agricultural or farm lands.

However, in the event that the State of California, through its department of agriculture, or any other State agency, shall proceed under authority from the legislature of said State to make a survey of the problems of land administration among the Indians in California, all records and data relating to the purchase, administration, expenditures, revenues, and productive character of or for Indian lands in California in the possession of any bureau or service of the Department of the Interior shall be open to inspection of the State of California or its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

SEC. 5. The Secretary of the Interior shall report in writing to the first session of the Seventy-second Congress

71ST CONGRESS
2D SESSION

S. 2669

A BILL

Providing that funds appropriated for the care and relief of Indians of California, under the direction of the Secretary of the Interior, shall be expended through certain public agencies of the State of California.

By Mr. JOHNSON

DECEMBER 13 (calendar day, DECEMBER 14), 1929
Read twice and referred to the Committee on Indian Affairs

6

the results of the administration of Indian affairs in California through State agencies, together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

71ST CONGRESS
2D SESSION

H. R. 7990

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1930

Mr. SWING introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior may, at his discretion, be expended through certain public agencies of the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all funds which may be appropriated by Congress during the Seventy-first Congress for the education or medical attention or health services or for the relief of the aged and infirm among the Indians of California may, at the discretion of the Secretary of the Interior, and under his general direction, be administered exclusively through the following public agencies of the State of California, namely:

All sums appropriated for the care and hospitalization of and medical attention for the sick or injured Indians and for the control and prevention of communicable and infectious diseases and the general sanitation among the Indians, through the State board of health;

All sums appropriated for the construction and maintenance of schools and the education of California Indians, through the State department of education; and

All sums appropriated for the relief of the aged, infirm, and indigent Indians, through the State department of public welfare: *Provided*, That the Secretary of the Interior, upon exercising his discretion hereunder, shall so advise the respective State agencies of the State of California above mentioned, stating the aggregate amount of the sums so appropriated to that date, and that before he shall approve the expenditure of any of the sums so appropriated he shall receive official assurance from such respective State agencies of their willingness to assume responsibility for the proper expenditure of said sums for the purposes mentioned under their respective jurisdictions.

SEC. 2. If and when the Secretary of the Interior shall have received such official consent from the respective agencies of the State of California above mentioned, he shall require as a condition to his approval of expenditures the submission by act of said agencies of a proposed budget showing the detailed purposes for which said funds are proposed to be expended. Upon submission of said budgets the Secretary of the Interior shall examine and approve or modify same and notify the State agencies in question as to his approval or the extent of his modification of said budgets, and the State agencies in question may then incur expenditures for the purposes and within the limits specified in said respective budgets as approved or modified, and claims against the United States for such expenditures will be allowed out of the aggregate amount of the said appropriated sums upon approval of the Secretary of the Interior.

SEC. 3. For the purpose of enabling the administration of the educational, medical, sanitary, and surgical service, and the relief for the aged and infirm among the Indians of California, for which said appropriations have been made or may hereafter be made, the Secretary of the Interior is authorized and directed to permit the State agencies of the State of California to use, to such extent as they may deem necessary, the existing school buildings and hospitals devoted to said education and medical care of said Indians together with such accessories, books, equipment, apparatus, livestock, and other personal property in connection therewith as may be under his control at the time that the above-mentioned State agencies assume charge of such work, excepting only the lands, buildings, and equipment known as Sherman

Institute. The duly authorized agents of said State agencies shall also have access to all records and data pertaining to the administration of said educational, medical, health, and relief functions by the Department of the Interior, or any of its bureaus, for the purpose of assisting said State agencies in the intelligent performance of said functions. Agents and employees of the State Board of Health and State Department of Education shall be permitted to enter upon all Indian lands, reservations, and trust allotments for the purpose of making inspection of health and educational conditions, and enforcing sanitation and quarantine regulations made or imposed by such State agencies and also school attendance. The Secretary of the Interior shall make reasonable regulations to insure the protection, care, and return of Government property and records in the event that the administration through said State agencies should be discontinued at a future date.

SEC. 4. Nothing in this Act shall be construed as effecting any change in the administration of Indian agricultural or farm lands or irrigation service for said agricultural and farm lands. However, in the event that the State of California, through its department of agriculture, or any other State agency, shall proceed under authority from the legislature of said State to make a survey of the problems of land administration and irrigation among the Indians of

California, all records and data relating to the purchase, administration, expenditures, revenues, and productive character of or for Indian lands in California, and to the cost and method of irrigating same, in the possession of any bureau or service of the Department of the Interior, shall be open to inspection of the State of California and its duly authorized agents, and copies of all such data or information shall be furnished to the State of California or its duly authorized agents upon request.

SEC. 5. The Secretary of the Interior shall report in writing to the first session of the Seventy-second Congress the results of the administration of Indian Affairs in California through State agencies together with such recommendations as he may make with reference to a continuance or discontinuance of such policy.

71ST CONGRESS
2D SESSION

H. R. 7990

A BILL

Providing that funds appropriated for the care and relief of Indians of California under the direction of the Secretary of the Interior may, at his discretion, be expended through certain public agencies of the State of California.

By Mr. SWING

JANUARY 6, 1930

Referred to the Committee on Indian Affairs and ordered to be printed

71ST CONGRESS
2D SESSION

H. R. 9766

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1930

Mr. SWING introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed

A BILL

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State through the qualified agencies of such State, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, and relief of distress of Indians in such State.

Recd. Feb. 18, 1930
cmm

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this Act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into effect.

SEC. 4. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this Act, and the moneys expended thereunder,

71ST CONGRESS
2D SESSION

H. R. 9766

A BILL

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

By Mr. SWING

FEBRUARY 11, 1930

Referred to the Committee on Indian Affairs and ordered to be printed

71ST CONGRESS
2D SESSION

S. 3520

IN THE SENATE OF THE UNITED STATES

JANUARY 6 (calendar day, FEBRUARY 11), 1930

Mr. FRAZIER (by request) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To promote the production and sale of Indian products and to create a board and a corporation to assist therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a board is hereby created to be known as the United States Indian Cooperative Marketing Board and hereinafter referred to as the board. The board shall be composed of three commissioners, to be appointed by the President by and with the advice and consent of the Senate. Such commissioners shall be appointed as soon as practicable after the passage of this Act, and shall continue in office, one for a term of two years, one for a term of four years, and one for a term of six years from the date of their appointment, the

term of each to be designated by the President, but their successors shall be appointed for a term of six years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. The board shall elect one of the commissioners as chairman and shall adopt such rules of procedure for the conduct of its business as it deems appropriate.

SEC. 2. That for the purposes of this Act the term "Indian products" shall mean all products which are made or produced by the labor of the American Indian and to which value or an increase of value may be regarded as adhering because of their Indian workmanship, handicraft, or design or their association with Indian life, art, or customs, including rugs, blankets, and other woven fabrics, paintings, silverwork, metalwork, pottery, basketry, beadwork, leatherwork, woodcarving, as well as any and all other products of Indian industry whether similar or dissimilar to those specifically enumerated, provided that the term Indian products and classes thereof may be more particularly defined by the board as hereinafter provided.

The term "person" shall include any person, partnership, association or corporation or any officer, agent, or employee thereof.

SEC. 3. That the board shall from time to time devise and create suitable marks, symbols, and devices, hereinafter

referred to as Government marks, with appropriate wording thereon, to be used upon or in connection with Indian products or classes thereof and shall from time to time define the Indian products or classes thereof to which the several Government marks are intended to apply so that such marks shall certify in the name of the United States the genuineness of the products as Indian products or that the descriptions or quality thereby certified have met prescribed standards.

SEC. 4. That the board is hereby authorized to cause a corporation with an appropriate name, hereinafter referred to as the corporation, to be organized under the laws of the District of Columbia for the purpose of promoting the production and sale of Indian products and to be endowed with adequate powers to buy, sell, and deal in Indian products and materials used therein or in connection therewith, to promote and finance the production and sale of Indian products, to increase the value and improve the quality thereof by offering and giving prizes and bonuses for workmanship and quality and by such other means as may be deemed advisable, and to do all necessary, proper, or incidental acts and things to stimulate interest in Indian products to increase the production thereof and to widen the markets therefor, and to carry out any or all of the hereinbefore-mentioned powers.

The capital stock of the corporation shall be divided into two classes: Common stock, not exceeding $5,000 in amount, which shall have the exclusive voting power and shall be subscribed for and held by the board as trustee for the American Indians under the provisions of this Act; and nonvoting cumulative preferred stock, not exceeding $500,000 in amount, yielding not in excess of 7 per centum per annum and callable in the discretion of the board of directors at any time at par with accrued dividends.

The board shall cause the commissioners at any time composing it, to be elected directors of the corporation and shall cause from time to time such other directors to be elected as the Board may deem advisable, including, if the board deems feasible, representatives of Indian groups that may participate in the work of the corporation. A director need not be a stockholder of the corporation.

SEC. 5. That the corporation shall have the exclusive right to use or to authorize the use of the Government marks upon or in connection with Indian products or classes thereof and to exact and receive for such use such compensation as it may from time to time prescribe: *Provided however*, That no such Government mark shall be permitted to be affixed to any product by any person other than a duly authorized agent or inspector of the corporation or a person acting under the personal supervision of such agent or inspector, and provided that for this purpose the corporation shall employ agents or inspectors qualified to determine the genuineness, description, and quality of Indian products who shall affix or personally supervise the affixing of the Government marks to such Indian products pursuant to such condition, rules and regulations as the corporation may from time to time prescribe.

SEC. 6. That so far as feasible the corporation shall organize advisory committees in the different localities in which it may operate, composed of representatives of Indian groups which may participate in the work of the corporation.

SEC. 7. That any person who shall reproduce, counterfeit, copy, or colorably imitate any Government mark, or any person who shall, except as authorized in section 5 of this Act, affix any Government mark, or shall knowingly, willfully, and corruptly affix any reproduction, counterfeit, copy, or colorable imitation thereof upon any products, Indian or otherwise, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of any such products, or any person who shall knowingly make any false statement for the purpose of obtaining the use of any Government mark, shall be guilty of a misdemeanor, and be subject to a fine not exceeding $2,000 or imprisonment not exceeding six months, or both such fine and imprisonment.

Any person who shall knowingly and corruptly give, pay or offer, directly or indirectly, to any director, inspector or agent or any employee of the corporation, any money, gift or other thing of value, with intent to influence such director, inspector, agent or employee in the discharge of any duty prescribed by section 5 of this Act, or by the conditions, rules and regulations prescribed by the corporation thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than two years, or both such fine and imprisonment; and any director, inspector, agent or employee of the corporation who shall accept any money, gift or other thing of value from any person, given with intent to influence his action in the discharge of any duty prescribed by section 5 of this Act or by the conditions, rules and regulations prescribed by the corporation thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than $5,000 and by imprisonment of not more than two years, or both such fine and imprisonment.

Any person who shall willfully and falsely represent any goods, with or without any Government mark, to be Indian products or Indian products of a particular Indian tribe or group, resident within the United States or the Territory of Alaska, when such person knows such goods

are not Indian products or are not Indian products of the particular Indian tribe or group, shall be guilty of a misdemeanor and be subject to a fine not exceeding $2,000 or imprisonment not exceeding six months, or both such fine and imprisonment: *Provided*, That the fraudulent and corrupt offering or display of any such goods for sale shall be deemed a representation within the meaning of this section.

It shall be the duty of each district attorney, to whom the corporation shall report in writing signed by any two of its directors any violation of the provisions of this section, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalties herein provided.

SEC. 8. That for the reproduction, counterfeit, copy or colorable imitation of any Government mark and for the affixing, except as authorized in section 5 of this Act, of any Government mark or the affixing of any reproduction, counterfeit, copy or colorable imitation thereof to any products, Indian or otherwise, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of any such products, the corporation shall have, in addition to the rights and remedies that may be provided in this Act or any amendments thereof, all the rights and remedies at law or in equity accorded under the laws of the United States or of the several States

to the owner of a trade-mark registered under the laws of the United States or otherwise.

SEC. 9. That so far as practicable the corporation shall study the conditions affecting the production of and trade in Indian products and methods of developing same, giving special attention to the possibility of developing cooperative enterprise among the Indians and shall submit a report annually to the President setting forth the operations of the corporation for the year with suggestions as to how the work of the corporation might be extended or improved.

SEC. 10. That any profits of the corporation after the payment of dividends on the preferred stock may be used for corporate purposes, including the retirement of all or any part of the preferred stock: *Provided*, That if such profits or any part thereof can not in the judgment of the board of directors be so used effectively dividends may be declared on the common stock, and such dividends, or any capital distributions on account of the common stock shall be paid to the Treasurer of the United States and credited by him to a special account which shall be used to advance the economic well-being and self-support of the American Indian as Congress may direct.

SEC. 11. That the corporation and the income or property thereof, and the capital stock or surplus thereof

and the income derived from such capital stock or surplus, shall be exempt from all Federal, State, or local taxation.

SEC. 12. That the commissioners of the board and the directors of the corporation shall serve without compensation: *Provided*, That necessary and proper expenses, including traveling expenses, incurred by the board or its commissioners or by the directors, may be allowed and paid by the corporation on the presentation of itemized vouchers therefor.

SEC. 13. That the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended as the board may direct for the purpose of organizing and subscribing to the common stock of the corporation.

71st CONGRESS
2d SESSION

S. 3520

A BILL

To promote the production and sale of Indian products and to create a board and a corporation to assist therein.

By Mr. FRAZIER

JANUARY 6 (calendar day, FEBRUARY 11), 1930

Read twice and referred to the Committee on Indian Affairs

71ST CONGRESS
2D SESSION

Calendar No. 447

S. 3581

[Report No. 449]

IN THE SENATE OF THE UNITED STATES

JANUARY 6 (calendar day, FEBRUARY 14), 1930

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

APRIL 17, 1930

Reported by Mr. LA FOLLETTE, without amendment

A BILL

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State through the qualified agencies of such State, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, and relief of distress of Indians in such State.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this Act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into effect.

SEC. 4. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.

CALENDAR NO. 447

71ST CONGRESS
2D SESSION

S. 3581

[Report No. 449]

A BILL

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

By Mr. JOHNSON

JANUARY 6 (calendar day, FEBRUARY 14), 1930
Read twice and referred to the Committee on Indian Affairs

APRIL 17, 1930
Reported without amendment

Calendar No. 447

71ST CONGRESS, 2d Session } SENATE { REPORT No. 449

AUTHORIZING ARRANGEMENT WITH STATES FOR EDUCATION AND RELIEF OF INDIANS

APRIL 17, 1930.—Ordered to be printed

MR. LA FOLLETTE, JR., from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 3581]

The Committee on Indian Affairs, to whom was referred the bill (S. 3581) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes, having considered the same, report favorably thereon with a recommendation that the bill do pass without amendment.

This bill has the recommendation of the Secretary of the Interior, as set forth in the following letter, which is appended hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1930.

Hon. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR MR. CHAIRMAN: With further reference to your request of February 20 for a report on S. 3581, which would authorize the Secretary of the Interior to arrange with the several States for the education, medical care, and relief of distress of Indians, I transmit herewith a memorandum from the Commissioner of Indian Affairs. After a review of the proposed measure, I agree with Commissioner Rhoads.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 27, 1930.

Memorandum for the Secretary.

Reference is made to the request of the chairman Committee on Indian Affairs, United States Senate, for report on S. 3581, which would authorize the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians.

The principle underlying this proposed legislation is in accord with the belief that the time has arrived when States directly interested in the civilization and advancement of Indians should begin to assume a greater degree of responsibility in connection with Indian affairs and especially in matters relating to education, medical care, and relief of indigents. Several States have already given evidence of a disposition to assume more responsibility in the care of their Indian populations, and this attitude may be interpreted as indicative of a willingness on the part of many States to assume an increased degree of responsibility in the management of the affairs of their Indian citizens.

Section 1 of the bill gives the Secretary of the Interior discretionary authority to enter into contract with proper State authorities for the expenditure of Government funds in connection with the activities named. Before such contracts can be made it will be necessary for the legislatures of the several States to pass laws authorizing State officials to enter into contracts with the Federal Government. The Legislature of the State of California has already passed such a law.

The term "medical attention" should be understood to cover physical examination, medical and surgical care and treatment, hospitalization, dispensary and convalescent care, nursing, sanitation, and the application of such other public health measures as might be necessary, including the prevention, suppression, and control of contagious and communicable diseases.

Section 2 of the bill authorizes the use by the State agencies of school buildings, hospitals, and equipment, including livestock and personal property owned by the Government. If the State contracts to perform the services named, it would be desirable that they have authority to use present institutions maintained by the Government.

It should be borne in mind that this legislation provides an initial step in cooperative endeavor between the Federal Government and the several States and before a definite future policy may be outlined it will be necessary to have some experience in this sort of endeavor. The legislation confines this cooperation to the three subjects of education, medical care, and relief of distress, and does not in any way affect the status of the Indian either as to his citizenship or his property rights, nor does it affect in any way the tribal assets, land holdings, or any other property of individual Indians or of any tribe of Indians.

In view of the foregoing I recommend the enactment of S. 3581.

C. J. RHOADS, *Commissioner.*

○

71ST CONGRESS
2D SESSION

S. 3581

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1930

Referred to the Committee on Indian Affairs

AN ACT

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State through the qualified agencies of such State, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, and relief of distress of Indians in such State: *Provided,*

That this Act shall not apply to the States of Arizona and New Mexico.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this Act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into effect.

SEC. 4. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.

Passed the Senate May 22, 1930.

Attest: EDWIN P. THAYER,
Secretary.

71ST CONGRESS
2D SESSION

S. 3581

AN ACT

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

MAY 26, 1930
Referred to the Committee on Indian Affairs

Santa Fe New Mexican, September 4, 1923.

BONUS, PENSION AND INDIAN BILLS TO PASS, SAYS BURSUM

Lenroot Substitute for Original Bursum Measure Will Get By, Believes.

The Soldier Bonus bill will pass congress; so will the Pension bill; also the Lenroot Indian bill, or the Bursum Indian bill, and the pleasant thought connected with it all is there will be no strain on the United States treasury.

That is what U. S. Senator Holm O. Bursum of New Mexico, declared on his arrival here for the Santa Fe fiesta.

The senator did not state that there are enough votes in the senate to override a presidential veto, but he declared emphatically that the Bonus bill will go over, "sure."

The provisions of the Soldier Bonus bill, whether it is to be a cash or a land plan, or some insurance idea, the junior senator of New Mexico did not disclose. But he spoke of disabled soldiers.

MORE LIBERAL TO DISABLED MEN

The senator declared that he expects to see a more liberal policy in the coming congress toward disabled soldiers. "It is planned to make it easier for them to get relief," he added. "And it seems to be the intention of the members of congress to provide more liberal construction of disability."

$72 FOR G. A. R. VETS.

Senator Bursum was confident that his bill, giving $72 a month to veterans of the Civil War, is going to pass. He did not discuss the objections the president had raised to it, saying that this was past history.

AS TO INDIAN BILL.

Senator Bursum seems to take the same view as some of the members of the New Mexico association on Indian affairs concerning the next action by congress with regard to the Indians out here. He said he did not anticipate any changes in the Lenroot bill although he hastened to add that this so-called Lenroot bill is really the Bursum bill. "They call it the Lenroot bill out here, do they?" he asked. "Well, it is my bill. I prepared it."

The senator said that the bill would have gone through the last congress but the time grew too short to consider it—hence its failure to become a law.

"There is no use talking about changing that bill now," he said, "all this matter has been considered, discussed, debated and argued. The Bursum bill which some people call the Lenroot bill, has been agreed to and it will pass. That is all there is to say about that."

CANDIDATE FOR PRESIDENT.

Asked his views as to the Republican presidential candidate in 1924, Senator Bursum said: "It is a little too soon to announce our standard bearer. All I can say is that much depends on how things come out in the next congress. President Coolidge is undoubtedly a good man and he is highly thought of by leaders of his party."

RECLAMATION WORK TO GO ON.

The senator said that in regard to any plans he has for development of New Mexico that the reclamation project will go ahead. "We will fight for this reclamation plan until we get it," he added.

The senator was looking well. He said he had been out on his ranch and at his Socorro home since April. He came up with former Governor George Curry, from Socorro, to attend the fiesta and he is the guest of former Game Warden Tom Gable. The senator found all the hotels filled when he arrived here last night.

Legislations of California Senate 1937

C. Hart Merriam
Papers
BANC MSS
80/18 c

SENATE BILL No. 865

INTRODUCED BY SENATOR SLATER,

March 21, 1927.

REFERRED TO COMMITTEE ON FINANCE.

An act to authorize the attorney general, as guardian of the Indians of California, to bring suit against the United States in the court of claims in the event that the congress of the United States authorize the same.

The people of the State of California do enact as follows:

SECTION 1. In the event that congress of the United States by legislation has heretofore or may hereafter authorize the attorney general of this state, as guardian of the Indians of Californa, to institute a suit in the court of claims, the attorney general is hereby authorized to cause suit to be instituted and to employ special counsel to assist in the prosecution of such suit and to incur all necessary expenses incident thereto.

SEC. 2. The state controller shall draw warrants on properly certified and itemized vouchers and proofs furnished by the attorney general, and the state treasurer shall pay the same.

0

SENATE BILL No. 865

INTRODUCED BY SENATOR SLATER,

March 21, 1927.

REFERRED TO COMMITTEE ON FINANCE.

An act to authorize the attorney general, as guardian of the Indians of California, to bring suit against the United States in the court of claims in the event that the congress of the United States authorize the same.

The people of the State of California do enact as follows:

SECTION 1. In the event that congress of the United States by legislation has heretofore or may hereafter authorize the attorney general of this state, as guardian of the Indians of Californa, to institute a suit in the court of claims, the attorney general is hereby authorized to cause suit to be instituted and to employ special counsel to assist in the prosecution of such suit and to incur all necessary expenses incident thereto.

SEC. 2. The state controller shall draw warrants on properly certified and itemized vouchers and proofs furnished by the attorney general, and the state treasurer shall pay the same.

O

SENATE CONCURRENT RESOLUTION NO._____

Relative to the policy of caring for the Indians of California by the expenditure of federal appropriations through state agencies.

Whereas, there is now pending in Congress of the United States a bill known as the Swing Johnson Bill, Numbered 8821 in the House of Representatives, providing that funds appropriated for the care and relief of the Indians of California under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of California; and

Whereas, the California State Board of Health, State Department of Education and the State Department of Public Welfare are excellently equipped to handle such federal appropriations and administer the relief which they are designed to accomplish for the Indians of California; and

Whereas, the health, economic welfare and education of the Indians of California is a matter in which the people of this state have a growing concern;

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the Assembly concurring, that the Legislature of the State of California does hereby heartily endorse the principles embodied in said Swing Johnson Bill pending before the Congress of the United States and believes that the best interests of the Indians of California will be served by its speedy enactment.

Read from Indian Bureau files Jan. 20, 1927 - Sam

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chairman of the Committee on Indian Affairs of the House of Representatives, Chairman of the Committee on Indian Affairs of the United States Senate and to the Secretary of the Interior of the United States, as well as to each of the Senators and Representatives in Congress of the State of California.

An act empowering the State Board of Health, the State Department of Education and the State Department of Public Welfare to carry on their respective functions for the benefit of the Indians of California to the extent that the cost of such services shall be provided for by the Congress of the United States through federal appropriations.

The People of the State of California do enact as follows:

Section 1. That if and whenever the Congress of the United States shall authorize the administration of federal appropriations for the welfare of the Indians of California through the agency of public departments and bureaus of said state, full power and authority is conferred upon such state agencies to administer the expenditure of such federal appropriations for the welfare of such Indians within the scope of the powers conferred upon such departments by law.

Section 2. In furtherance of this authorization, the State Board of Health is hereby authorized, empowered and directed to administer the expenditure of all such federal appropriations as may be made for the care and hospitalization of and for medical attention to sick or injured Indians and for the control and prevention of communicable and infectious diseases and general sanitation among the Indians of California; the State Department of Education is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the construction and maintenance of schools and the education of California Indians; The State Department of Public Welfare is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the relief of aged, infirm and indigent Indians throughout the State of California. Subject to such limitations as the Congress of the United States ortthe Secretary of the Interior may lawfully impose

upon the administration of such funds, the several State Departments above mentioned are authorized to expend the same for the purposes within their respective jurisdictions which in the opinion of the respective heads of said departments will best conserve the interests and welfare of all the Indians residing within the State of California.

Section 3. If the Congress of the United States shall require the submission of budgets to the Secretary of the Interior or any other federal agency before authorizing the expenditure of federal funds, such state agencies are hereby authorized to prepare budgets showing the amounts necessary during each year to carry out the purposes for which such federal appropriations may be made, and shall submit such budgets when prepared to the State Board of Control who shall co-ordinate the same so far as possible and approve them before they are forwarded to the federal agency charged with receiving them by Congress. Thereafter said state agencies shall account directly to the federal disbursing and auditing officers for the expenditures of funds which Congress may direct to be made subject to their administration, and the officers and employees of each of said departments shall be responsible upon their official bonds to such federal disbursing and auditing officers for a proper accounting for all funds so disbursed.

Section 4. This act shall take effect immediately.

LOS ANGELES, CAL.
SATURDAY NIGHT—248
DECEMBER 18, 1926

364

OUR STEP-CHILD, *the* INDIAN

VI. California Indian Bills in Congress

By CHAUNCEY SHAFTER GOODRICH

FRIENDS of the California Indian have introduced in the first session of the sixty-ninth congress two bills intended to remedy the prevailing conditions to which earlier articles in Saturday Night have adverted. These bills will come up for consideration at the second session of that congress, which convened this month.

One of these bills, introduced in the senate by Senator Johnson and in the house by Congressman Swing, provides that, in a two-year period of experiment, all funds appropriated by congress for the education and the health service of California Indians, and for the relief of the aged and infirm among them, shall be administered exclusively through state agencies, viz., the state department of education, the state board of health, and the state department of public welfare, respectively.

These state agencies are to submit budgets for the approval of the secretary of the interior, and, under reasonable regulations imposed by him, are to have the use of federal Indian buildings, equipment, records, etc., as well as quarantine power in the reservations. The secretary is to report to a subsequent congress on the success of the experiment, and to recommend the continuance or discontinuance of this new policy. Sherman Institute, the large Indian boarding school at Riverside, which draws its pupils from several western states, is specifically excepted from the scope of the experiment. A similar bill on behalf of Wisconsin Indians has been introduced by members of the delegation from that state and is similarly pending. Other states are expected to follow.

Ever since 1871, when congress forbade the making of further treaties with Indian tribes, and entered upon a new policy that aimed at the eventual merger of the Indian with the general body of citizens in the several states, there has been a well-defined and constant tendency, on the part of congress and its executive agent, the Bureau of Indian Affairs, to slough off responsibility for the individual Indian. The policy has been called that of "individualization." Its definite object has been to break up the economic and social bonds of the tribes, in the main, through destroying the communal ownership of tribal land and alloting it in parcels to individual Indians, to whom, generally, after a trust period, patents were issued in fee.

Successive grants of citizenship to different classes of Indians, followed, in 1924, by an act of congress making all the remaining 150,000 tribal and reservation Indians citizens of the nation and the states, have also been in furtherance of this policy. The supreme court of the United States might declare, and it repeatedly did, that an Indian, even though he had become a citizen, remained a ward of the nation, and as such was entitled to federal care and assistance. To the federal executive, however, the citizenship of the Indian actually meant a lessened responsibility, if not one completely terminated, and the language of the supreme court was wasted in the face of this reality.

It is too late to criticize the policy of "individualization." Its record is now a matter of history. Under it primitives, to whom the notion of individual property was alien, more or less, suddenly became owners of real estate, with the result that almost overnight they were teased or coerced into making deeds, for insignificant consideration, to white men, and thus many tribes have irretrievably lost their lands. It is not too late, however, to point out that this policy, expressing itself also by cutting down congressional appropriations for Indian welfare, and remitting responsibility for the welfare of the Indian population to the states has been, and still is, prosecuted by the United States without effective notice to the several states or any intelligent attempt to obtain their co-operation in the inevitable period of transition. An instance may be cited:

In 1917 the supreme court of California rendered a decision holding that a California Indian who did not live a tribal life was a citizen of the state, and, therefore, entitled to vote, even though he was a member of an Indian group which still received certain social services from the federal government. This decision gave an opportunity to the federal guardian to wash its hands of its own wards, which it was only too glad to exercise. It did so, however, merely by inaction. Only in 1925, when a letter calling attention to the scores of indigent Indians starving in Inyo county was addressed to President Coolidge by Mrs. L. J. Gillespie of Long Beach, writing on behalf of the California Federation of Women's Clubs, was the policy revealed in the answer that came from the assistant secretary of the interior:

"While it is appreciated that there are a number of scattered Indians in California who are unable to provide themselves with the necessities of life, funds at our disposal for relief purposes are limited and must be conserved, so far as possible, for use in cases of emergency among reservation Indians who have no source of aid when destitute other than the federal government. The scattering bands of Indians in California have, for some time, been considered as citizens and the responsibility for their care, when indigent, devolves upon local or state officials rather than upon this service, just the same as if they were white persons in similar circumstances."

Even insofar as the federal authorities do continue to render social services to the Indian population, these are rendered ineffectively. Certainly, it is true in this state where, of the entire amounts expended on behalf of the California Indians in the five-year period 1920-24, 33.46 per cent is charged to salaries and wages, 21.07 per cent to irrigation work, 10 per cent to miscellaneous, and 8.02 per cent to construction and repair of buildings, while to office and school supplies is allotted, without segregation between the two items, .31 of 1 per cent, and to medical supplies .71 of 1 per cent! The force of this last item can only be realized by seeing actual conditions in the field, or by reading the reports to the state board of health, on file in the state library at Sacramento.

Could not state agencies in all probability achieve more with these federal moneys than the present guardian? Even that guardian himself seems to think so. For Secretary of Interior Work, within whose jurisdiction is the Bureau of Indian Affairs, has publicly recommended the passage of legislation such as the Johnson-Swing Indian bill, and in his 1925 report goes so far as to say: "State boards of health, departments of education and agriculture, boards of charity and welfare are in a position to assume these responsibilities for the Indians and perform them more promptly and sympathetically than the federal government."

He has expressly favored the passage of this California bill. With its adoption the state will have the means, as well as the power, to supervise and assist its backward Indian citizens. The day will have passed when Californians of the only original stock die for lack of food and medical attention while Indian agents, on the one hand, and remote mountain counties, on the other, politely debate as to which of them is legally committed to the role of the Samaritan.

So much for the Johnson-Swing bill, save to point out—what the careful reader may already have noticed—that Secretary Work specifically mentions the states' departments of agriculture as agencies whose co-operation ought to be enlisted, this department, in California, is not given authority under the bill. The omission is intentional. So little of fit agricultural land does the bulk of the 18,000 Indians in California possess that, without special remedial legislation by congress, their rehabilitation as farmers or stock raisers is a task it would be useless to ask the state to assume.

This dearth of land is due to the special conditions, surrounding the American settlement of California. Elsewhere, in the course of westward expansion, immigration was a gradual process, which war-like tribes were further able to adapt to the new conditions, while the federal government was enabled to extend its sovereignty over the new territory and to set aside, for Indian use, reservations of economic value. Not so in California! Here the gold rush brought settlers in hordes, hungry for land whether gold-bearing or merely fertile. The peaceful bands of California Indians were scattered and driven to the arid mountains when they were not massacred and wholly exterminated. Washington, several months away, never had a chance to cope with the situation.

California became a full-fledged state without ever having been organized as a territory. In 1851, President Fillmore, through commissioners, negotiated treaties which assured to a number of California tribes adequate reservations. The white settlers of the new state objected to good land being set-off to Indian use, and, through their representatives, sitting in a senate, delicately balanced between Whigs and Democrats, succeeded in defeating ratification. The land promised to the Indians, as well as the larger tracts they had surrendered in reliance on the promises, became public land and was patented to settlers. These were the "Eighteen Lost Treaties" whose terms did not become public till 1905, and of which readers of this series have already heard.

This was but one incident, albeit a telling one. In more cases, Indians were not even negotiated with. They were simply driven off, their land was included in the public domain and eventually patented. Even at the nominal price at which the federal government sold this land to settlers, it received about $23,000,000 therefor.

Nor did the half-civilized Mission Indians fare better. They had rights of occupation in certain ranchos, expressly safeguarded by the terms of Spanish and Mexican grants. The federal guardian took no steps to present these rights for confirmation to the land commission of 1851, which it itself created to pass upon the validity and extent of those grants, and the supreme court of the United States held the Indian rights had therefore lapsed. The Warner's Ranch Indians lost their rights under one such decision; as recently as 1924 the Tejon Ranch Indians lost theirs under another.

Responsibility of the federal government, for the situation that has resulted, is great. Nor has it ever made adequate amends. Too late, it set off reservations entirely insufficient in quality and quantity. The California Indian averages 32 reserved acres per capita, as against the following: Nevada, 127; Oregon, 260. Washington, 245; Arizona, 440; Montana, 500, and Utah, 1025 acres per capita. And of the California areas much that is not waterless desert is rocky mountain land or lava bews. Further, and, doubtless, on the principle that he who hath not shall receive little else, the California Indian, who is in greater need than his brother, has $29 per capita expended annually on his welfare by his guardian, whereas the average expenditure throughout the country for unallotted Indians is $66 per capita!

It is this fundamental insecurity which the second bill now pending, introduced by Congresswoman Kahn, is intended to mitigate. The bill, as about to be amended, will call for an appropriation of $10,000,000, as compensation for the lands originally taken from the California Indians, and creates, to administer the fund, a California Indian land commission of five members, to serve without pay, two appointed by the secretary of the interior, two by the governor of California, and one by the President.

Of the five commissioners two are to be experts on agricultural and irrigation problems, the remaining three are to be familiar with the economic and welfare problems of the California Indian. The commission is to make a study of the Indians' economic needs, to purchase agricultural lands, to secure water thereon, and generally is given wide powers to rehabilitate Indians as agriculturalists. The bill looks to the eventual establishment, after a period of transition, of a large number of the Indians of today, or their decendants, as self-respecting, self-supporting farmers and owners of small parcels of tillable soil.

All told, this belated act of justice will return to the original possessors of the entire state a mere handkerchief's breadth of California's thousand-mile stretch of golden acres.

[PUBLIC—No. 423—70TH CONGRESS]

[H. R. 491]

An Act Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State.

SEC. 2. All claims of whatsoever nature the Indians of California as defined in section 1 of this Act may have against the United States by reason of lands taken from them in the State of California by the United States without compensation, or for the failure or refusal of the United States to compensate them for their interest in lands in said State which the United States appropriated to its own purposes without the consent of said Indians, may be submitted to the Court of Claims by the attorney general of the State of California acting for and on behalf of said Indians for determination of the equitable amount due said Indians from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such equitable claims of said Indians against the United States and to render final decree thereon.

It is hereby declared that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the eighteen unratified treaties is sufficient ground for equitable relief.

SEC. 3. If any claim or claims be submitted to said courts, they shall settle the equitable rights therein, notwithstanding lapse of time or statutes of limitation or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the Act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided*, That any decree for said Indians shall be for an amount equal to the just value of the compensation provided or proposed for the Indians in those certain eighteen unratified treaties executed by the chiefs and head men of the several tribes and bands of Indians of California and submitted to the Senate of the United States by the President of the United States for ratification on the 1st day of June, 1852, including the lands described therein at $1.25 per acre. Any payment which may have been made by the United States or moneys heretofore or hereafter expended to date of award for the benefit of the Indians of California, made under specific appropriations for the support, education, health, and civilization of Indians in California, including purchases of land, shall not be pleaded as an estoppel but may be pleaded by way of set-off.

SEC. 4. The claims of the Indians of California under the provisions of this Act shall be presented by petition, which shall be filed within three years after the passage of this Act. Said petition shall be subject to amendment. The petition shall be signed and verified by the attorney general of the State of California. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give the said attorney access to such papers, correspondence, or furnish such certified copies of record as may be necessary in the premises free of cost.

SEC. 5. In the event that the court renders judgment against the United States under the provisions of this Act, it shall decree such amount as it finds reasonable to be paid to the State of California to reimburse the State for all necessary costs and expenses incurred by said State, other than attorney fees: *Provided*, That no reimbursement shall be made to the State of California for the services rendered by its attorney general.

SEC. 6. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Indians of California and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That the Secretary of the Treasury is authorized and directed to pay to the State of California, out of the proceeds of the judgment when appropriated, the amount decreed by the court to be due said State, as provided in section 5 of this Act.

SEC. 7. For the purpose of determining who are entitled to be enrolled as Indians of California, as provided in section 1 hereof, the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of persons entitled to enrollment. Any person claiming to be entitled to enrollment may within two years after the approval of this Act, make an application in writing to the Secretary of the Interior for enrollment. At any time within three years of the approval of this Act the Secretary shall have the right to alter and revise the roll, at the expiration of which time said roll shall be closed for all purposes and thereafter no additional names shall be added thereto: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, shall also cause to be made, within the time specified herein, a roll of all Indians in California other than Indians that come within the provisions of section 1 of this Act.

Approved, May 18, 1928.

Speeches before Congress re Indian conditions + treatment - 1884-31

C. Hart Merriam
Papers
BANC MSS
80/18 c

C. Hart Merriam
HARRIMAN FUND

THE ACTION OF CONGRESS

IN REGARD TO

THE PIEGAN INDIANS OF MONTANA.

THE Executive Committee of THE INDIAN RIGHTS ASSOCIATION calls public attention to the following facts in relation to the *insufficient appropriations for the Piegan Indians, and the suffering and loss of life consequent thereon.*

OFFICIAL STATEMENT.

(The following is taken from the report of the Honorable Commissioner of Indian Affairs for 1884, pages iv. v.)

"The newspapers of the country have been full of complaints for months past, because certain Indians at the extreme northern agencies were suffering for food, and by inference the cause of this suffering was attributable to neglect on the part of this office; while, on the contrary, the suffering of these Indians for lack of food was attributable *directly* and *entirely*, first, to the fact that the appropriations for them were not made until three months after they should have been made; and second, that when made, the amount allowed was less than was asked for by this office, and consequently insufficient for the absolute wants of these Indians. The Blackfeet, Blood, and Piegan Indians, and those at Fort Peck and Fort Belknap Agencies, were driven to great straits to sustain life during the winter and spring of 1883 and 1884, being compelled to kill many of their horses and young stock cattle for food, and to resort to every possible expedient, such as eating bark, wild roots, &c., and there is little doubt that many deaths among them were the direct result of lack of food. Through-

out their severest trials, however, I am glad to be able to say that they have been guilty of very few acts of lawlessness or depredation."

(The Commissioner here states that the entire disappearance of game has in their condition compelled them to depend for the present on Government support.)

"Much has been done by them during the past year in digging irrigating ditches, fencing and breaking fields, building dwelling-houses, &c., and they are, with few exceptions, diligently and patiently struggling for independence; and there is good reason to hope that, with proper assistance, in a few years each household will own a team and have enough land under cultivation, which, with a few stock cattle, will be sufficient to make a great majority of them nearly independent. In view of all these circumstances, I believe that there has never been a time in the history of these tribes when judicious assistance and encouragement from the Government would have been so beneficent to them as at present.

"I have called attention to these things before, and now do so again, with the hope that Congress may see the necessity of making appropriations for the Indian service, as to *time* and *quantity*, so as to prevent in the future all just complaints of this character."

Letter from Montana.

Professor Charles C. Painter, the representative of the Indian Rights Association at Washington, visited the Piegan Indians in the early fall of 1884 at the instance of the Association, and personally investigated their condition. The following letter to Dr. James E. Rhoads, vice-president, is his report to the Association.

"Ft. Shaw, Mont., October 28th, 1884.

"Dear Dr. Rhoads:—I got in here last night on my way back from the Piegan Agency, and could not get out on the

stage as it was full, and so am taking a needed but enforced rest before taking an all night and day stage ride to Helena.

"I have just written Commissioner Price as follows:—'I have just returned from the Piegan Agency, and take the liberty of saying that if the food now on hand, and yet on its way thither under the Keyes contract and Powers special contract, is to be exhausted as per your instructions on the 31st of March, there is great danger of starvation after that date, before more food can be sent in.

"'The roads are now in prime condition, dry and hard, yet my light wagon cut in to the hubs in several places. As I came down I met freight wagons, loaded with flour, which were stuck in alkaline flats between Dupuyer and Muddy creeks. I saw twenty-six mules on a single wagon unable to haul it out, and the men busy with shovels trying to dig out. Unless the season should be unusual, it will be all but impossible to get wagons through after the 1st of January until the first or middle of June. Either more food must be started at once, after Congress meets, or the supplies must be issued with great caution, or the experiences of last winter, spring, and summer must be repeated, an experience terrible to those who endured it; heartrending to those who witnessed or even hear it, and disgraceful to those responsible for it, the details and proportions of which can scarcely be exaggerated.

"'I wish to say also that so far as you base calculations on the twenty thousand pounds of corn recently delivered by Powers, under special contract, you must deduct at least fifty per cent. from the estimate if made on the supposition that it is good. If I know nothing else, I do know something about corn, and do not consider its food value to be more than twenty-five per cent. grade corn. I do not believe it would germinate if planted; it is chaffy, light, and musty. I met Captain Mole on his way up to inspect it, and of course do not know what he will say of it, but I know its purchase, even if good, is a mistake, there being no mill to grind it, and it is not needed for the stock. Cooked in the grain, but little of it would be assimilated.

"'Allow me to suggest that, if the agent could have had a

few large caldrons or soup kettles, he could have greatly increased the value of his meagre supplies last year. Issued daily as such, its nourishing quality would have been greatly increased, and there would have been no waste.

"'The suffering at Belknap would have been as great, from all I can learn, as at Badger Creek if there had not been a large number of soldiers at Fort Assiniboine. I have taken the sworn testimony of two citizens, one of whom was in the employ of the Diamond B., and the other of the Post, as driver, a man who took me to Piegan, and has been with me for the past six days, whom I believe to be a truthful man.

"'These men independently declare and swear that the Indians brought their squaws and daughters, even very young girls, and hired them to white men for base purposes for money with which they bought food from the Post trader; that they have seen themselves cases, more than fifty in number, of fathers taking money from men who took their female children, and they could hear their screams from the teepees and bushes under the brutal usage they were receiving.

"'I wish, Mr. Commissioner, you could go over the ground and know fully the situation. Perhaps it only tortures you, knowing, as I do, how your hands are tied, but you could speak of these things more intelligently and with greater emphasis.

"'Of course I write this to you privately. I hope to see you soon after Congress meets, and speak more fully.

"'Yours Truly, &c.,

"C. C. PAINTER."

PUBLIC LETTER FROM CORRESPONDING SECRETARY OF INDIAN RIGHTS ASSOCIATION.

"PHILADELPHIA, December 23d, 1884.

"DEAR SIR:—Your immediate attention is respectfully called to the enclosed communications, which, taken in relation to each other, will be readily understood. The Chairman

of the Sub-Committee of the House on Indian Appropriations, Hon. John Ellis, has failed to comply with a distinct promise made by him to a delegation of the Indian Rights Association. The result of this action has placed in extreme jeopardy the lives of many of the Montana Indians. So far as we can now gather from Professor Painter's personal investigations, upwards of four hundred of these people died, during the past season, of starvation, owing to the failure of Congress to appropriate supplies in time. Unless prompt action be taken there is grave danger of a recurrence of this sad state of affairs. These facts should be known to the public. Personal letters, addressed to Hon. Samuel J. Randall, Chairman of the Committee of the House on Appropriations, and to Hon. John Ellis, Chairman of Sub-Committee on Indian Appropriations, asking an explanation of this matter, will be very valuable. Action, to be effective, must be prompt.

"Respectfully,

"HERBERT WELSH,

"*Corresponding Secretary I. R. A.*"

"INDIAN RIGHTS ASSOCIATION,
"OFFICE, NO. 1316 FILBERT STREET,
"PHILADELPHIA, PA., December 13th, 1884.

"DEAR SIR:—I write to you concerning a matter of great importance, and one deserving instant attention. A Committee of the Indian Rights Association, composed of Clement M. Biddle, General S. C. Armstrong, Robert Frazer, Professor Painter, and Herbert Welsh, on Friday, December 12th, 1884, waited on the Indian Appropriation Committee of the House. Of this Committee Mr. Ellis of Louisiana is Chairman. Our object was to present some practical suggestions as to Indian appropriations for the coming year, so as to influence in the right direction the work of this Committee, and thereby increase the efficiency of the whole Indian service. It is not necessary for me to dilate upon the vital importance of this move on our part. Before waiting on the Committee the

members of our delegation met at the Ebbitt House, and arranged our work in two parts: *First*, a brief set of suggestions, classified under four heads. *Second*, an amplification of the foregoing, backed by reason for which the suggestions had been made. The points contained in our first paper were as follows: I. Request for an appropriation of $50,000, to be made immediately available to meet the wants of the starving Indians of Montana. II. Increased appropriations for schools; $175 per pupil necessary (exclusive of transportation) for first-class industrial training. Every Indian child should immediately be placed in school. III. Such an increase of agents' salaries as will enable the Department to obtain and retain high-grade men. IV. Increased pay for Indian police, and sufficient pay for judges of courts of Indian offenses.

"At first our efforts to gain a hearing from Mr. Ellis seemed likely to be unsuccessful, but at last we gained an audience from him and Mr. Ryan. I was chosen to speak for our Committee. All of us were surprised at the result of this interview. Mr. Ellis and Mr. Ryan, who at first seemed hardly disposed to give us a hearing, manifested such interest in what we had to say that our conference, instead of lasting but a few moments, was prolonged for more than an hour. As to the question of the starving Indians of Montana, both Mr. Ellis and Mr. Ryan said that so soon as the recommendation of Mr. Price for appropriation of $50,000 reached their Committee from the *Treasury Department*, through which the law required it first to pass, they would act upon it instantly. In two days after that the matter should be finished. Mr. Ellis said the starvation of the Montana Indians last year was an 'infamy.' We felt that the position of the Committee on this point was altogether a strong one, and that it was necessary for us to press Mr. Price's recommendation through the Treasury Department.

"Regarding the question of agents' salaries, both Mr. Ryan and Mr. Ellis admitted that there should be an increase in order to secure efficient men; but they thought there would be opposition to such an effort in the House. Regarding the second point, these gentlemen favored $175 per pupil appro-

priated annually for the high-grade industrial schools. On the final points, touching an increase of salaries for Indian police force, I think there was a disposition on the part of the Committee to allow things to remain as they were. I told them how valuable the police had proved under Agent McGillycuddy, at Pine Ridge, and that their efficiency probably saved an outbreak. I think this statement produced its effect.

"The attitude assumed by Mr. Ellis and Mr. Ryan towards us was all that we could desire. It was one of intelligent interest. I think they recognized that our statements were those of men who spoke from personal experience, and who were thoroughly able to substantiate their assertions. During our conversation Mr. Ellis asked me whether I was an Indian Inspector, or whether I had any official position? I replied that I was only a citizen of the United States, and had no personal ends to serve. I think he was satisfied that the aim of our Committee was disinterested.

"Mr. Ellis thanked us for for our statement, and said that he was always glad to receive information on such matters.

"The members of the Indian Committee likewise expressed a willingness to do all in their power to suppress traffic in liquor with the Indians.

"We placed our full statement in writing in the hands of the Committee.

"Let me add a word of suggestion at the conclusion of this letter. The real value of this journey to Washington will depend largely on the amount and kind of publicity given to it. The amount of attention paid to our suggestions by the members of this Committee (suggestions which are in themselves of the highest moment) will depend on what the papers and the public say regarding them. I believe Mr. Ellis and Mr. Ryan are sincerely desirous of carrying the suggestions into effect, but they should be supported by public opinion. Will you not kindly try to get these facts in those papers which are accessible to you? Editors of our daily papers have been most valuable allies in recording and commenting upon each step of progress in our work. They will render us an inesti-

mable service by drawing public attention to this great question of Indian Appropriations, which is one of immediate and vital importance.

"Very Respectfully Yours,

"HERBERT WELSH,

"*Corresponding Secretary I. R. A.*

"N. B.—*Personal* letters addressed to Mr. Ellis, as Chairman, or to other members of the Sub-Committee of the House on Indian Affairs, urging the adoption of enclosed suggestions, will be especially valuable. Action should be taken with the utmost promptitude."

"SUGGESTIONS FROM COMMITTEE ON BEHALF OF INDIAN RIGHTS ASSOCIATION, RESPECTFULLY SUBMITTED TO HON. MR. ELLIS, CHAIRMAN OF SUB-COMMITTEE OF THE HOUSE ON INDIAN APPROPRIATIONS.

"I. An appropriation of $50,000, to be used by the Committee of Indian Affairs for relief of Montana Indians. Immediate action to be urged to prevent starvation.

"II. Adequate support for Indian schools. At the rate of $175 and transportation per pupil in all first-class industrial training schools.

"Prompt action should be taken by Congress for the education of all Indian children.

"III. Agents' salaries should be increased so as to secure competent men as agents.

"IV. Increased pay for Indian police and judges of Indian courts.

"More stringent measures for the suppression of whisky traffic to the Indians.

"(Signed) C. M. BIDDLE,
"ROBERT FRAZER,
"C. C. PAINTER,
"S. C. ARMSTRONG,
"H. WELSH,
"*Corresponding Secretary I. R. A.*

"DECEMBER 12TH, 1884."

"WASHINGTON, D. C., December 18th, 1884.

"MY DEAR WELSH:—You remember that both Mr. Ellis and Mr. Ryan, who heard us by listening to our suggestions the other day, promised us that as soon as the deficiency estimate for the Montana Indians could be dislodged from the Department and brought to them they would introduce a joint resolution immediately and see that it was passed within two days.

"It would weary you to go over the vexatious delays and protracted efforts by which this dislodgment was effected; suffice to say that I got it to the Speaker of the House yesterday, late in the P. M, It was reported by him to the House, referred to Mr. Ellis' Committee, and ordered to be printed.

"I saw both Mr. Ellis and Mr. Ryan after it came over, and they both explicitly promised again that they would act upon it this morning and put it through without delay.

"I also saw Mr. Dawes this morning, who said that he would take it at once, when it had passed the House, and put it through the Senate.

"I saw a fair ending to all my hard labors for these poor people. But hear the conclusion.

"I saw Mr. Ellis after the meeting of the Committee, and asked if he brought the matter before them. He said bluntly that he had not and would not. He had given them $100,000 deficiency last winter, and he wanted to know what was done with it. He had given money for irrigating ditches, and seemed to think they might eat the ditches, I suppose, for certainly there was little chance that an appropriation for that purpose made last July could have yielded a crop for this winter's supply.

"He wanted to know whom I represented, and thought the Indians had rather too many friends about here.

"Well, the matter seems settled. The agent has instructions to exhaust his supplies on the 31st of March. It will be too late to secure legislation now in time to avert the danger

that stares this poor people in the face. May God pity them!
An appeal must now be made to the country.

"Yours Truly,

"C. C. PAINTER,

"*Representative of the Indian Rights Association at Washington, D. C.*"

Responsibility for Starvation among the Piegans.

(An open letter to Mr. Ellis from Prof. Painter.)

"Great Barrington, Mass., December 24th, 1884.

"*To the Hon. E. John Ellis, Chairman of Sub-Committee Indian Appropriations, House of Representatives, Washington, D. C.*

"Sir:—My surprise and astonishment were so great the other morning because of your sudden change of purpose regarding the "deficiency estimate" for the relief of certain Montana Indians, that I could not, in the brief time allowed me, answer your questions. You had only the evening before repeated to me the explicit promise made by you and Mr. Ryan to the Committee of the Indian Rights Association, on the 12th inst., that you would, just as soon as the estimate reached your Committee, introduce and secure the passage of a joint resolution appropriating the sum asked for.

"You were informed in the letter from the acting Secretary of the Interior, which accompanied this estimate, and which was referred with it to your Committee, that the agent at the Blackfeet Agency had been instructed by the Department to exhaust his supplies by the 31st of March, and that unless supplies to meet the deficiency were sent in by the 15th of January, that it would be all but impossible to get them in through that country in time to prevent starvation.

"Certainly nothing contained in this letter was calculated to lessen the urgency of the action which was sought from you, and which you had so explicitly promised.

"I fear that no importunity can now secure action in this matter which will save these poor people from extreme suffering, and it is not with the hope of averting this, but with the purpose rather of locating responsibility for it, that I proceed to answer your questions: (1.) How did it happen that there was such suffering among them; and (2.) what has become of the money ($100,000) appropriated last winter for their relief?

"I. It appears that the Department asked for the support of these Indians (food and clothing), for the year ending June 30th, 1884, the sum of $260,000, and that Congress, at the suggestion of your Committee, gave $176,000, being $84,000 less than the Department deemed necessary. It may be well to say in this connection that the sum asked for was based upon the expectation that game would be as abundant as in years past, which proved a mistake, as none was to be found.

"The deficiency created by the action of your Committee was $84,000; the utter failure of all crops by reason of frost, drought, &c., and the entire absence of game, threatened this people with absolute starvation. Senator Vest and Delegate Maginnis reported this condition of things at the very opening of the last session of Congress. The President called the attention of Congress to the facts as communicated to him by the Secretary of the Interior, who asked for $138,000 to meet the emergency. Special Inspector Howard appeared before your Committee and informed you of what he had just seen among these people, and you introduced a joint resolution the next day, appropriating *$50,000* to this purpose. The Senate amended this and appropriated $100,000. If you are doubtful as to your responsibility for the non-concurrence of the House in this amendment, I will respectfully refer you to the *Congressional Record* for February 1st, 1884, pages 183 and 184. Mr. Maginnis related what he had seen and heard in a personal visit to these people a few months previous, and was sure that at least $100,000 was both needed and asked for. Mr. Chase was confident that the Department had asked for $138,000.

"Your assertion, made with great positiveness, and reiterated, that your Committee had given every dollar that had been asked for by the Commissioner of Indian Affairs, caused the House to reject the Senate amendment, and a delay ensued before you were forced to correct a mistake which was fatal to many poor starving Indians, and so, after a delay of two months after it was informed of the facts, Congress appropriated about three-fourths of the sum asked for.

"That this was not sufficient appears from a mild statement in the last report of the Commissioner of Indian Affairs, who says: 'There is little doubt that many deaths amongst them (these Montana Indians) were the direct result of lack of food.'

"During a recent visit to the Blackfeet Agency the agent informed me that he issued during the spring and early summer from four to six burial boxes per day for some time, and that no money would induce him to witness again the scenes through which he had passed during those fearful months. It was estimated that four hundred of the Indians of that Agency, which numbered not more than twenty-four hundred or twenty-six hundred, died from want of food.

"At Fort Belknap the suffering would have been just as great but for the fact that it is near a large military post, and that the men brought their wives and daughters—even little girls—and prostituted them to the whites for money with which to purchase food.

"This, I agree with you, is 'an infamy,' one for which, as Chairman of the Sub-Committee of Appropriations for Indian Affairs, who cut down estimates, who delayed action, and who has now deliberately refused to report a resolution appropriating for the deficiency for this year, the country will hold you responsible.

"The answer to your second question is not hard to find. Divide the sum of money appropriated to feed and clothe these people, fourteen thousand of them in round numbers, and you will have for this purpose about three and one-third cents per diem, per cap.; a sum which might be used honestly for such a purpose without raising such strong suspicions that it had been wasted that you are forced, as a

prudent public officer intrusted with grave responsibilities, to thrust aside with contempt the estimate of the Interior Department, and the urgent cry that there will be another 'infamy' unless you act at once, and say you must know how this has been expended before you will ask for any more.

"For the year ending June 30th, 1885, the Department asked for these same Indians, for food and clothing, $275,000; acting under your advice, Congress has appropriated $243,000; that is $32,000 less than the needed sum.

"You have before you the facts that $50,000 is needed to prevent the infamy of starvation again; that the supplies at one agency will be exhausted on the 1st of April next, and that the supplies must be sent in by the middle of January. Your promise to the Committee, composed of Gen. Armstrong, Messrs. Biddle, Welsh, and Frazer, of Philadelphia, was explicit that you would act upon these facts as soon as they reached your Committee. But this, the next morning after they did reach you, you flatly refused to do until you had satisfactory answers to your questions.

"These I have attempted to answer, whether satisfactory or not I cannot say, but with facts from the Official Record.

"Your argument that you had given money for irrigating ditches, and that these people ought to do something to support themselves, is fully met by the fact that this bill *was not approved until the 4th of July last*, and consequently practical relief for those whom it was designed to aid could not be derived in so short a time. Your remark that 'the Indian seems to have too many friends about here' betrays, I fear, the animus by which you are controlled. As all known methods for securing relief for these Indians from your Committee have been exhausted, I am forced to appeal to our citizens at large, who, I am confident, do not desire either that these people shall starve or be forced to prostitution to save themselves from such a fate, and so I send these answers to your questions to the country at large.

Yours, &c.,

(Copy) C. C. PAINTER."

Petition.

No. 1316 Filbert Street,
Philadelphia, Pa., December 27th, 1884.

"*Hon. Samuel J. Randall,*

"Sir:—We, the undersigned, members of the Executive Committee of the Indian Rights Association, desire with all respect to call your attention to the following facts, and beg that you will give them immediate consideration.

"On Friday, December 12th, 1884, Clement M. Biddle, General S. C. Armstrong, Robert Frazer, Charles C. Painter, and Herbert Welsh, on behalf of the Indian Rights Association, waited on the Sub-Committee of the House on Indian Appropriations. The Chairman of this Committee, Hon. John Ellis, and the Hon. Thomas Ryan were present and listened to the statements presented by the above-named members of the Indian Rights Association. The principal request made on behalf of that Association, and the first presented along with three others, was that an appropriation of $50,000 should be passed by Congress and immediately made available to relieve the threatened starvation among the Indians of Montana. We will here state for your information, that during the past spring and early summer, great destitution and loss of life was occasioned among the Piegans and other tribes of Indians resident in Montana, owing to the failure of Congress to appropriate money in sufficient amount and requisite promptness to meet their necessities. In his annual report for the year 1884, the Honorable Commissioner of Indian Affairs states that the destitution of these Indians, during the past winter and spring, was extreme, and admits that 'there is little doubt that many deaths were the direct result of lack of food.'

"Professor C. C. Painter, who, as a representative of the Indian Rights Association, visited Montana during the past month of October, states that upwards of four hundred deaths

resulted from starvation among the Indians. At Fort Belknap the Indians only saved themselves from a similar fate by the prostitution of their wives, daughters, and even young female children, to the whites. It is unnecessary for us to give you a description of these horrors, as we are led to believe that you have already in your possession a copy of Professor Painter's original statement regarding them. It was the earnest belief of the delegation of gentlemen from the Indian Rights Association that Commissioner Price's request for an appropriation of $50,000 should be immediately granted, as supplies at the Piegan Agency will be exhausted by March 31st, 1885. After that date there will be great danger of starvation among the Indians, as the condition of the roads will prevent the hauling of freight to the Agency until June or July. We present these facts to you, in order that you may fully understand the gravity of the situation.

"When the request for this appropriation of $50,000 (in order to meet the deficiency) was presented to Mr. Ellis and to Mr. Ryan, these gentlemen replied that so soon as the estimates from the Interior Department had passed through the Treasury Department, they would immediately act upon them, recommending a joint resolution by which the money might be made immediately available. Mr. Ellis stated that the starvation of the Montana Indians last winter was an infamy, and that he would do all in his power to prevent the threatened disaster during the coming season; that in two days after the estimates were through the Treasury Department all necessary action would have been taken. The members of the delegation from the Indian Rights' Association were entirely satisfied with the position taken by Mr. Ellis and Mr. Ryan, and by the promise of immediate favorable action when the estimates were before their Committee. In view of this promise, so explicitly made, and which was given with such apparent sincerity, we, who now address you, must express astonishment, and, in the absence of any adequate explanation, a sense of deep indignation at the course which Mr. Ellis has since thought fit to adopt. The members of our delegation, believing that Mr. Ellis spoke in good faith, immediately ex-

erted themselves to fulfill their part of the contract. In this aim, thanks to the earnest and patient efforts of Professor Painter, they were successful. Professor Painter's own words, contained in a letter addressed to Herbert Welsh, under date of December 18th, 1884, will best depict the progress of events and the extraordinary position therein assumed by Mr. Ellis. The following is Professor Painter's letter:—

"'WASHINGTON, D. C., Dec. 18th, 1884.

"'MY DEAR WELSH:—You remember that both Mr. Ellis and Mr. Ryan, who heard us by listening to our suggestions the other day, promised us that as soon as the deficiency estimate for the Montana Indians could be dislodged from the Department and brought to them, they would introduce a joint resolution immediately and see that it was passed within two days.

"'It would weary you to go over the vexatious delays and protracted efforts by which this dislodgment was effected; suffice to say that I got it to the Speaker of the House yesterday, late in the P. M. It was reported by him to the House, referred to Mr. Ellis' Committee, and ordered to be printed.

"'I saw both Mr. Ellis and Mr. Ryan after it came over, and they both explicitly promised again that they would act upon it this morning, and put it through without delay. I also saw Mr. Dawes this morning, who said that he would take it at once, when it had passed the House, and put it through the Senate.

"'I saw a fair ending to all my hard labors for these people. But hear the conclusion.

"'I saw Mr. Ellis after the meeting of the Committee, and asked if he brought the matter before them. He said bluntly that he had not and would not. He had given them $100,000 deficiency last winter, and he wanted to know what was done with it. He had given money for irrigating ditches, and seemed to think they might eat the ditches, I suppose, for certainly there was little chance that an appropriation for that purpose made last July could have yielded a crop for this winter's supply.

"'He wanted to know whom I represented, and thought the Indian had rather too many friends about here.

"'Well, the matter seems settled. The agent has instructions to exhaust his supplies on the 31st of March. To secure legislation now in time to avert the danger that stares this poor people in the face, an appeal must now be made to the country.

"'Yours Truly,

"'C. C. PAINTER.'

"In conclusion, sir, we desire to make an explicit statement regarding our position in this matter of Government support for Indians. We heartily approve, as a general policy, of a gradual diminution in the amount of rations given to Indians, and an increase in the means furnished them for becoming self-supporting, whereby they may in the shortest possible time be rendered independent of the Government. But in the case in question no adequate opportunity has been afforded these Indians to attain this end. The game on which they formerly subsisted has suddenly disappeared, and they have not had such instruction in civilized pursuits as will enable them to depend upon their own efforts for livelihood. We are of the opinion that it is alike an active justice to the Indians, and to the best interests of the country, to provide food for these people until a fair opportunity has been given them to provide for themselves.

"We feel constrained to say that the people of the United States, in our estimation, do not approve of any action upon the part of Congress by which these people, whom the nation is abundantly able to care for, shall be condemned to starvation or forced to save themselves from such a fate by the sacrifice of their innocent women and children to gratify the lust of degraded whites. Such a course the best men and women in this land will regard under present circumstances as indefensible, ignoble, and unworthy the honor of the nation. We, as citizens, utter our respectful and solemn protest against the action of Mr. Ellis. We not only hope but believe that you will aid us in making this protest effective; that you will so use your legitimate influence with Mr. Ellis, as Chairman of your Sub-Committee, that he may be induced to reconsider his action, and thus secure the fulfillment of his promise, and, if

it be not now too late, the appropriation of the needed funds in time to avert the recurrence of starvation among the Indians of Montana.

"We remain, sir, with very great respect,

"Your obedient servants,

"Dr. James E. Rhoads, *Vice Pres.*,	W. Heyward Drayton,
"John Welsh,	W. W. Frazier, Jr.,
"Chas. E. Pancoast,	Clement M. Biddle,
"Robert Frazer,	Effingham B. Morris,
"Henry S. Pancoast,	Thos. Stewardson,
"J. T. Johnson,	J. Rodman Paul,
"C. Stuart Patterson,	Herbert Welsh."

This appeal is now made in the public statement of the above facts.

December 27th, 1884.

January 6th, 1885.

The following telegram was received this date by the Executive Committee:—

"Washington, D. C., January 6th, 1885.

"*To Robert Frazer, 209 South Third Street,*

"Fifty thousand dollars just appropriated by House for immediate use for support of Indians at Crow, Fort Belknap, Fort Peck, and Blackfoot agencies.

(Signed) "CHAS. O'NEILL."

(From New York Tribune, January 7th, 1885.)

"Food for the Starving Piegans.

"By Telegraph to *The Tribune.*

"Washington, January 6th, 1885.

"The Piegan Indians in Montana who have survived the starvation process to which they have been subjected by the refusal of Congress, at its last session, to appropriate money enough to provide for their subsistence, are to be fed. The House Committee on Appropriations this morning suddenly and unanimously awoke to the necessity of prompt action, and instructed Mr. Ellis to report and ask the House to pass a joint resolution appropriating $50,000 to be immediately available for the purchase of subsistence stores for the destitute Indians in Montana. In presenting the resolution to the House Mr. Ellis said that the appropriation was urgently recommended by the Secretary of the Interior, the Commissioner of Indian Affairs, the Indian agents in Montana, and the officers of the army stationed in the vicinity of the Indians. Mr. Ellis said that there were fifteen thousand of the destitute Indians, and that "hundreds of them have starved absolutely to death" on account of the failure of Congress to appropriate an adequate sum of money for their subsistence. He did not mention, however, what every careful reader of *The Tribune* knows to be the fact, that a sufficient sum was asked by the Indian Bureau a year ago, and that the House reduced the amount. That the Appropriations Committee had only to ask in order to have the appropriation granted was shown by the fact that the House unanimously adopted the joint resolution without debate."

(TRIBUNE Editorial.)

"Friends of the Piegans will doubtless be able to take steps now to prevent these poor Indians from starving. Congress has suddenly realized their needs, and has appropriated $50,000 to buy them food. Credit can certainly be obtained on the strength of the vote, and the purchase of the supplies must be hastened by all possible means. There is no use, perhaps, to inquire at this time why this matter did not receive attention before. The unanimous consent of the House to the resolution from the Committee on Appropriations indicates that the Representatives generally have no wish to starve the Indians to death. Somebody has evidently been suddenly stirred up, and the process was undoubtedly hastened by the praiseworthy activity of the Indian Rights Association."

THE SENATE.

(Telegram from Senator Bayard.)

"WASHINGTON, D. C., January 7th, 1885.

"*Hon. John Welsh, 304 Walnut street,*

"Joint resolution to relieve Piegans has just passed.

"T. F. BAYARD."

JANUARY 9th, 1885.

C. Hart Merriam
HARRIMAN FUND

E.B. Meritt: Hearings, House Comm Indian Affairs - March 1926.

~~further reasons of objections, and that copies hereof be filed with the Indian~~ committees of both houses.

Washington, D. C., February 18, 1926.

Fred Hendricks, Klamath Indian delegate, Oregon; J. R. Lowe, Menominee, Wisconsin; Ralph Fredenberg, Menominee delegate, Wisconsin; Mitchell Oshkenaniew, Menominee delegate, Wisconsin; George Connor, Fort Peck delegate; James Archdale, Assiniboine delegate; Joshua Wetsit, Assiniboine delegate; Gertrude Bonnin, Yankton Sioux delegate; Meadstull, Fort Peck Sioux delegate; Rufus Ricker, Sr., Fort Peck Sioux delegate; Elwood Harlan, Omaha delegate; Kirkwood Smith, Fort Peck Sioux; Frank Yarlotte, Crow, Montana; Matthew Ishkahula, Sioux; Harry Whiteman, Crow, Montana.

~~(Thereupon, at 12 o'clock noon, the committee adjourned to meet again at the call of the chairman.)~~

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
March 4, 1926.

The committee met pursuant to call at 10.30 o'clock a. m., at the committee room in the Capitol Building, Hon. Scott Leavitt, chairman, presiding.

The CHAIRMAN. We will take up again our hearings on H. R. 7826, a bill to extend the civil and criminal laws of the United States to Indians, and for other purposes.

We had invited Commissioner Burke to appear before the committee to-day to present to the committee the reasons for this bill. The commissioner is not well and found it impossible to come, and the assistant commissioner, Mr. Meritt is here to represent the Indian Bureau. Mr. Meritt has had the opportunity of going over the testimony that has been presented by other witnesses, and I am sure he has noticed that the criticism of the bill has been centered particularly on section 2. I will ask Mr. Meritt to make a statement to the committee, following which the committee may ask any questions desired. Mr. Meritt will be allowed to proceed for 20 minutes without interruption.

STATEMENT OF E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS

Mr. MERITT. The commissioner regretted that he could not be here this morning, on account of illness, and requested me to come before the committee and make a statement for the Indian Office.

The friends of the Indians and those who are familiar with the Indian question have realized for several years that there was urgent need for legislation regarding this question of extending the civil and criminal laws of the United States to Indians. To show you the need of legislation of some kind I am going to read to the committee a report made by Father Ketcham, who at one time was the head of the Bureau of Catholic Missions in this city, and devoted his life to the Indian work and to the study of Indian questions, but, before reading that statement I want to say that this bill, H. R. 7826, while it was drafted in the Indian Office, we are not wedded to any particular wording in this bill, and if it can be improved in any

way, we will be glad to see amendments to ths proposed legislation. We realize that it is much more difficult to draft legislation than some people believe. We also realize that it is much easier to criticize legislation after it is drafted than it is to draft the original form of the legislation, and we welcome any criticisms of this legislation, and we will welcome any suggested changes to the bill, and after all these suggested changes are in, if it is the sense of the committee that there should not be any legislation along this subject, we will feel that we have done our duty in bringing the matter to the attention of the committee.

Father Ketcham's statement was written at Oklahoma City on June 3, 1918, and reads as follows—I might also say that Father Ketcham was not only the head of the Bureau of Catholic Indian Missions, but he was also a member of the Board of Indian Commissioners, a board appointed by the President. The board consists of 10 members, all of whom are prominent citizens and do not receive any salaries, with the exception of the secretary of the board.

Father Ketcham's statement is as follows:

In the beginning of this review of my field work I desire to center the attention of the board upon the appalling increase in immorality among the Indians on some of the reservations I visited. In common with other members of this board I have been painfully impressed for some time with the growing tendency toward moral laxity of a large number of our Indians who, but a short generation ago, were sturdy advocates of pure manhood and chaste womanhood. The contrast between the moral conditions of those years and to-day is so strong that there is good ground for the statement that unless the evil conditions are righted immediately by law or regulation or both, most of the good work done by the missionaries and the Indian Office for the advancement of the Indians will be lost and the white people of the United States, the guardians of the Indians, will be responsible for another great crime against them. For it is nothing less than criminal for us, the white men and women of this country, to permit the residue of this great race, which was reduced to a mere remnant by or with the passive acquiescene of our people, to degenerate into a state of immorality and irreligion.

It is almost incredible that on one side of a barbed-wire fence, the boundary line of an Indian reservation, white men and women who are living together in loose sexual relations can be and are punished under the laws of the State while on the other, the Indian side of the fence, the superintendent of the reservation, the authorized agent of the United States Government, sees the vilest sexual practices going on under his very eyes and can or will do nothing to stop them. Yet that is exactly the situation in some parts of the land.

It is not necessary to my purposes, which is to start a "drive" against this growing evil, to name any particular reservation where immorality is prevalent. Congress, the Indian Office, the Board of Indian Commissioners, the Lake Mohonk Conference, and the courts of the land are cognizant of the facts which I have presented above. Somewhere along the line of Federal activities in the administration of Indian affairs, beginning with Congress and ending with the reservation superintendent, there is a defect which seriously weakens, if it does not completely nullify authority to punish offenders, white and Indians, against the moral and marriage laws on reservations. Just where that weakness or omission or neglect is I do not know at this time.

Inquiries made by me on my trip and through the board's office at my suggestion have developed the following: Superintendents in some States are of the opinion that they have no power to procure the arrest and punishment of violators of the moral laws whether they be citizen or noncitizen Indians; other superintendents, in the same States, hold there is no conflict between Federal and State laws which operates to prevent them from securing punishment for moral lawbreakers; some States and counties do not attempt to correct immoral evils by the prosecution of offenders; there seems to be no Federal statutes which cover moral transgressions on reservations; one superintendent wrote that it was not deemed best to call in the aid of State courts

because "if we permit the State courts to have jurisdiction the Indians would, in a short time, lose everything they possess."

Taking into consideration the several court decisions bearing on the enforceability of State laws on Indian reservations there probably is some justification for the varying views held by superintendents and other Indian officials on this important question. I have in mind two reservations in the same State, both of which I recently visited, on one of which the superintendent has enforced, through punishment when necessary a decent observance of the marriage and divorce laws of the State, while on the other the superintendent told me he had no authority to enforce such laws.

The latter superintendent said he could not secure correction and punishment of citizen Indians who violate the marriage and divorce laws of the State and I feel sure he does not support his Indian court in prosecuting and punishing promiscuous cohabitation on the part of his noncitizen Indians. Now, this difference between two jurisdictions, in the same State, raises the question Does the first superintendent exceed his authority or is the second superintendent negligent or indifferent? Both of them stand well as superintendents; both seem to be good, well meaning, conscientious men.

Viewing the situation as a whole I am forced to the conclusion that Congress, the Indian Office, and too many, I fear, of the superintendents must jointly bear the responsibility for the promiscuous immorality which is degrading the Indians on many reservations. Congress enacted an antiliquor law, so drastic in its provisions that it enabled the Indian Office to carry on its most praiseworthy campaign against illicit traffic in liquor so successfully that many jurisdictions are almost 100 per cent dry.

I am unable to understand why Congress, then, can not pass laws which will enable the Indian Office, through its superintendents, to quickly put a stop to the immoral practices I have referred to. If Congress can put on the statute books a law which sends to the penitentiary for a number of years, through the Federal courts, a man who is convicted of the illicit introduction of liquor into a reservation, I do not understand why Congress can not enact laws which will severely punish a man or woman or both, white or Indian, married or unmarried, who indulges in illicit sexual practices on a reservation.

I have here reports from the Board of Indian Commissioners covering a period of several years in which they urge legislation on this subject. I will read from the report of 1918 as follows:

The most important matter which we desire to bring to your attention and to urge that you give it earnest consideration is the increasing tendency toward moral laxity of the Indians on a number of reservations. There is urgent need of enforcible regulations, congressional legislation, or both, which will clothe superintendents with sufficient authority to arrest or cause the arrest and secure adequate punishment of offenders, both Indians and whites, against morality when the offenses are committed within the limits of reservations.

There is need, too, of an explicit definition of the extent and degree of authority delegated to superintendents by departmental regulation and legislation, Federal and State, in respect to marriages, divorces, and illicit sexual relations in the Indian country. We find there is confusion in the minds of a considerable number of superintendents in regard to their authority to procure arrest and punishment for violations of moral laws in the reservations under their control.

Somewhere along the line of Federal activities in the administration of Indian affairs, beginning with Congress and ending with superintendents, there is a defect which seriously weakens, if it does not entirely nullify, any authority there may be to punish offenders against the moral laws in Indian country. Just where the weakness, omission, neglect, or timidity is we do not know. We are strongly of the opinion, however, that the following are among the causes that contribute to the increase of immorality. The fact that State court decisions seem to be contradictory, the absence of specific Federal legislation, the confused state of mind of the men in the field as indicated by their wide divergence of opinions in respect to competent jurisdiction and authority, the disinclination of State and county officials to cooperate with superintendents because the county derives no revenue from nontaxpaying Indians, and the indifference of neighboring white communities to anything which is designed to advance the Indians on the way to civilization and citizenship.

On some reservations the Indians abide strictly by the State laws in respect to marriages and divorces. On other reservations in the same State the

Indians pay no attention to such laws; men and women live together without any form of marriage—State or tribal; if married under the State law, husbands leave their wives and wives their husbands to live with other "husbands" and "wives" without ever thinking of legal divorces. The conditions on some reservations are becoming intolerable and unless they are quickly remedied all the constructive work of the missionaries and superintendents will be lost.

It is not necessary to name any particular reservation in this connection; the fact that there is a shameful looseness in morals and marriage relations among a number of Indian tribes is known to Members of Congress, the Indian Office, the Board of Indian Commissioners, missionaries, superintendents, and the Indians themselves. What is necessary is to give the Indian Office adequate authority to effectively fight this growing evil.

There are some who hold the view that Congress can not take jurisdiction itself in such cases. But in other matters Congress has not hesitated to authorize State courts to handle litigation in which fullblooded, restricted Indians are parties to the suit or case. Thus the act of May 27, 1908, provides that county courts in Oklahoma shall have jurisdiction in Indian probate cases. Another act gives county courts in Oklahoma the authority to find the heirs of full-blooded Indians and to partition the allotments of such Indians. The several Indian appropriation acts of recent years provided funds not only to pay the salaries of the Indian Service probate attorneys but also all necessary court costs, etc. The antiliquor law, which is so drastic in its provisions that it enabled the Indian Office to change reservations which had been overrun with bootleggers into 100 per cent "bone-dry" territory, rests on the police power of Congress over Indian reservations.

The Indian appropriation act approved March 3, 1885, lists the seven specific crimes for which Indians can be tried in Federal courts. They are murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny. But there seems to be no act or provision in any act which provides a way to punish adultery, seduction, illicit cohabitation, and like crimes committed by Indians or whites within Indian reservations.

We believe that much can be accomplished in the way of moral rehabilitation of those Indian reservations where moral laxity is on the increase if Congress would pass a law conferring jurisdiction on State courts to try cases arising from offenses against the moral laws on reservations. It will be necessary, if this is done, to make provisions for the payment of State court fees and charges as is done in the case of probate matters in Oklahoma. This act to be most effective should be so comprehensive in its scope and so drastic in its provisions that it would enable the Bureau of Indian Affairs to put an end to sexual immoralities, such as illicit cohabitation, adultery, and other open offenses of like character.

This report which I have just read is an extract from a report of the Board of Indian Commissioners of 1918. I want to give the names of the members of that board. This is the present board: George Vaux, jr., Philadelphia, Pa.; Warren K. Morehead, Andover, Mass.; Samuel A. Elliott, Boston, Mass.; Frank Knox, Manchester, N. H.; Daniel Smiley, Malcolm McDowell, Hugh L. Scott, Clement S. Haker, Flora Seymour, Chicago, Ill.; John J. Sullivan, Philadelphia, Pa.

Mr. Malcolm McDowell is the secretary of the board and Mr. George Vaux, jr., is chairman.

We have in the files of the Indian Office letters from the missionaries and various organizations interested in Indians calling our attention to this condition on reservations and asking that legislation be obtained from Congress to remedy this situation.

Now, for a moment I will discuss the legal phases of this proposition.

Ward Indians on Indian reservations are at present subject to the exclusive jurisdiction of the United States.

Section 6 of the act of February 8, 1887 (24 Stat. 388), as amended by the act of May 8, 1906 (34 Stat. 182), contains the following:

That at the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section 5 of this act, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. * * * *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of this act shall not extend to any Indians in the Indian Territory.

Sections 2145 and 2146 of the United States Revised Statutes provide as follows:

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

SEC. 2146. The preceding section shall not be construed to extend to (crimes committed by one Indian against the person or property of another Indian, nor to) any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

In view of section 2146, it was held by the United States Supreme Court that an Indian could not be prosecuted for the crime of murder committed against another Indian within an Indian reservation. See Ex Parte Crow Dog (109 U. S. 566).

Following that decision, Congress, in section 9 of the act of March 3, 1885 (23 Stat. L. 385), passed what is now section 328 of the United States Criminal Code of 1910, which provides for the punishment of Indians committing within Indian reservations the eight specifically mentioned crimes as follows: Murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny.

For most of the other crimes mentioned by State or Federal laws, Indians committing same within an Indian reservation can not be punished by the regular organized State or Federal courts.

To cover other offenses on Indian reservations, courts of Indian offenses were established. These courts and the Indian police system are based on the following provisions of law; the United States Revised Statutes provide:

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

* * * Third, the Indians.

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.

SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs.

Act of March 3, 1903 (32 Stat. 982–983): "That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or any part thereof upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency."

The legality of the court of Indian offenses was upheld by a Federal district court in U. S. *v.* Clapox (35 Fed. Rep. 575).

The CHAIRMAN. You have consumed 20 minutes. I think the committee would like to have you go ahead.

Mr. FREAR. I would like to ask for five minutes, without interruption, to ask several questions, before I leave, because I have to leave. I have not any objection to his taking all the time that is necessary if I have that privilege.

Mr. MERITT. The syllabus of this case, which was decided July 18, 1888, reads as follows:

Indians—Umatilla Indians—Government—Power of President.

The President is authorized by the treaty of June 9, 1855 (12 Stat. 948), and Revised Statutes (secs. 411, 463, 465) to make rules for the government of the Indians on the Umatilla Reservation, including the establishment of an Indian court and police, and the definition of "Indian offenses" and the measure of punishment therefor.

2. Same—Misdemeanors—Adultery.

The term "misdemeanor" as used in No. 9 of the rules promulgated by the Secretary of the Interior on December 2, 1882, for the government of the Indians on the Umatilla and other reservations, includes adultery.

3. Rescue (Rev. Stat. U. S. 5401).

An Indian woman arrested by the Indian police on the Umatilla Reservation on a charge of adultery committed thereon was committed to an Indian jail for trial before a court of Indian offenses, and while so committed was rescued and set at liberty by the defendants. Held, that they thereby committed the crime of rescue as defined by section 5401 of the Revised Statutes by forcibly setting at liberty a person who was committed for a crime against the United States.

With reference to the suggestion that has been made that the citizenship act of June 2, 1924 (43 Stat. 253), placed all Indians under the jurisdiction of the State courts, attention is invited to the fact that before the passage of said act approximately two-thirds of the Indians of the United States were already citizens, but many of those citizen Indians were still wards of the Federal Government. It has been held repeatedly by the courts that citizenship is not incompatible or inconsistent with wardship, and there is nothing in the act of June 2, 1924, which would indicate a change of policy. In the case of U. S. *v.* Nice (241 U. S. 591) the United States Supreme Court said:

Citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely emanicipating the Indians or placing them beyond the reach of congressional regulations adopted for their protection.

A number of other decisions enunciate the same principle.

Now, as to H. R. 7826, pending before this committee, this proposed legislation is for the purpose of improving law and order conditions among Indians on Indian reservations.

Section 1 of the bill provides for making Indians subject to the criminal laws of the United States generally for offenses committed within the reservation instead of only the eight specific offenses mentioned in sections 328 and 329 of the United States Criminal Code.

Most earnest students of the question have recognized for years that something should be done to provide more adequate means for enforcing law and order among Indians on their reservations.

Many letters have been received from individuals and organizations; from Congressmen and others in official life; and from many

responsible public-spirited people in private life urging that either the State or Federal laws be extended to Indians for their own best welfare.

Many bills have been introduced in Congress by Senators and Representatives in an effort to meet that need, some making Indians subject to the Federal criminal laws; some, the State laws, and others making Indians subject only to certain classes of State laws.

The State statutes generally cover a much wider scope of crimes and misdemeanors than the Federal penal code.

As it was somewhat problematical as to whether Indians were sufficiently advanced to make them subject to all State laws, with prosecution and punishment as provided by those laws, this bill was prepared with the view of not going that far at this time, but to extend the Federal code, which covers a number of the more serious crimes.

Some one in the hearing has stated that there was no need of such action, as the Federal Government already has jurisdiction.

To clear up that difficulty, permit me to explain that while the Federal Government has jurisdiction over Indians on their reservation, the present laws of Congress limit prosecutions in the Federal district courts to those eight crimes specified in sections 328 and 329 of the United States Criminal Code of 1910, viz:

Murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny.

The other crimes and misdemeanors in the Federal criminal code or the State codes are not punishable in the regular Federal district courts. Some of those other offenses may be mentioned, viz:

Assault with intent to commit rape, assault with intent to commit great bodily harm, or other assault not specifically "with intent to kill" (which is hard to prove), or assault with a dangerous weapon; robbery, mayhem, adultery, malicious mischief, resisting an officer, rescue, forgery, perjury, subornation of perjury, receiving stolen goods, kidnaping, fraud, embezzlement, conspiracy, trespass, breaking down fences, disturbing the peace, unlawful cohabitation, fornication, seduction, carnal knowledge, statutory rape, bigamy, incest, polygamy, lewdness, soliciting females for immoral purposes, desertion of wife and family, etc.

In the past all these and other offenses have been left to the control of the department to handle as best it could. In doing so, the department has had uppermost in its mind the fact that Indians were in a transitional state and the policy has been to lead them—through various educational methods—to adopt for themselves the habits and customs of civilization. To this end, for many years the missionaries, the school-teachers, the physicians, the matrons, farmers, agents, superintendents and others have been teaching and instructing the Indians, particularly the growing generations.

It has, of course, also been necessary to provide a system of punishment for some of the offenses, in order to maintain some semblance of law and order and as part of the discipline. About 40 years ago, before any of the present administrative officers had anything to do with the problem, there were established the courts of Indian offenses to act as tribunals on the reservations. These courts

were presided over by Indian judges, chosen because of their influence, good standing, and progressive ideals, and those in whom the Indians generally of the tribe involved had confidence and respect.

While it is to be expected that there would be cases here and there that did not measure up to justice, the records contain much to show conclusively that as a general rule, these Indian Courts have been of great assistance and value in the process of civilization, and that, too, without inflicting the rigid laws and penalties that would have been necessary (but inadvisable) if the Indians had been immediately made subject to the laws governing the whites.

The department now believes, however, that, in part at least, the laws of civilization should be further extended over Indians. The act of Congress now embodied in said section 328 of the Criminal Code, making Indians subject to those eight hereinbefore-mentioned crimes was passed March 3, 1885, over 40 years ago. Practically two generations have arisen during that time, and the transitional stage has so advanced that the law should now be advanced in some way.

Section 1 of the bill covers that point as above stated. Whether to go only that far, or farther, rests with Congress and largely with this Committee.

SECTION 2. As section 1 only provided for extending the Federal laws over Indians, there would still remain a considerable gap between that condition of law and the code of the States. It was not the idea of this bill to cover all the rest of the State laws by this section, but to continue the present means of enforcing such measures as might be necessary to maintain law and order and to continue the process of education and transition until Congress shall deem it wise to make Indians subject to all State laws. The power to enact the provision lies in Congress.

Some of those who have spoken on this bill appear to have the idea that this bill increases the jurisdiction of the courts of Indian offences. The truth is exactly the opposite. While those courts now have jurisdiction over practically all offences other than those eight crimes mentioned above, the enactment of this bill as it is now worded would divest those courts of a large number of cases.

It was also the intention of the department to prepare new regulations under this section which shall specifically enumerate the offences over which those courts shall have jurisdiction. This would more definitely define their jurisdiction and powers and place the responsibility of listing the offences and maximum punishments squarely on the department in Washington rather than on the field superintendents or the Indian judges.

When the old regulations were formed, conditions were vastly different and more flexibility was necessary. Revision has been held in abeyance because for a number of years Congress has been considering the question of making Indians subject to all State laws.

As no legislation has been enacted on that subject recently this bill was prepared to bring the matter to a head, if possible, and to secure some legislation which will bring the matter down to date, and enable the department to proceed in accordance with the wishes of Congress.

Until Indians are made subject to all State laws and until the States are in a position to actually enforce those laws, some provision must be made to provide a means to maintain law and order on Indian reservations. As Congress has placed this responsibility upon the Interior Department and the Indian Bureau, the present system should not be torn down until a new one can be erected and placed in operation.

The regulations now provide for an "appeal" from the Indian judge to the superintendent, and from the superintendent to the Commissioner of Indian Affairs.

Most of the sentences of the Indian courts are for the performance of labor, and in many cases without the requirement of confinement during the period they are so serving. The terms of imprisonment are very short, as a general rule, usually a few days and seldom exceeding 30 or 60 days.

Except in the New Mexico pueblos, the cases of punishment by the tribal council are so exceedingly rare as to be practically unknown.

Mr. FREAR. May I interrupt you to ask a question? Will there be another hearing on this proposition so that we can ask some questions? The last time I was here I discovered a measure that I was interested in was on the floor, and I was not there. Five minutes is all I would like to ask questions, but I would like to ask them either to-day or some other day.

The CHAIRMAN. My opinion is we have given considerable time to the opposition to this bill, and we should take time to clarify the minds of the committee as to what the real purpose of the bill is.

Mr. FREAR. It is not a question of opposition to the bill, but to find out his status at this time, and to ascertain whether the department has correctly interpreted the powers that now exist or that should exist.

The CHAIRMAN. The purpose I have in mind is to find out, from the standpoint of the department which prepared this bill and presented it, what the necessity for it is, as they see it, and what they think will be accomplished.

Mr. FREAR. The statement just made by the witness to the effect that this law, if enacted, will have the effect of limiting, and will not extend the powers of these so-called judges in itself answers the desirability of the necessity, from their point of view, of the bill, but I would like to ask several questions and I do not want to take up the time of the committee or the time of the witness now if there is going to be another hearing.

The CHAIRMAN. There will have to be, of course, in my opinion, another hearing, unless there is objection by the committee. I would like to ask some questions myself.

Mr. SPROUL. Let him proceed.

Mr. MERITT. As above indicated, various agencies have been leading the Indians for years to adopt the laws and customs of civilization in the matter of marriage. As stated by some of the witnesses, any special Indian ceremony of marriage has almost universally been abandoned. It is highly important that there should be a definite record of the assumption of the relation of man and wife and a fixed date when the marriage relation begins; also when it

ends. Section 4 makes provision for the protection of innocent parties and section 5 paves the way for making it easy for the Indians to comply with the laws. Some States now deputize Indian reservation superintendents to issue marriage licenses to Indian applicants—a step already taken in the transition.

While it is believed that most bona fide marriages of Indians are now entered into in accordance with the laws of civilization, this provision is desirable to prevent immoral and criminal Indians from taking refuge under allegations of a marriage by Indian custom when such is not the fact.

The suggestion has been made that United States commissioners be appointed by the United States district judges or elected by the Indians, and that these United States commissioners have jurisdiction over those offenses enumerated by the State laws. This plan would greatly enlarge the jurisdiction and powers of the United States commissioners.

This plan will necessitate the setting up of a new system of judicial procedure, requiring additional appropriations from Congress to pay the salaries of the commissioners, their clerks of court, bailiffs, witness expenses and fees, cost of more extended confinement of prisoners subject to their jurisdiction, and other items that will arise.

Legislation to make that effective would have to be carefully studied and worked out, and sufficient appropriation secured. The Department of Justice would evidently be responsible for the carrying out of such legislation and would probably wish to consider and report on such a provision.

The Indian Bureau did not feel warranted in recommending the establishment of such a plan of judicial machinery and procedure.

As the Indian Bureau already has the system of Indian judges, and as section 1 takes away from rather than increases their powers, no additional appropriation would be involved by the enactment of House bill 7826 in its present form.

The salaries of Indian judges are merely nominal, and the positions have been considered as places of honor or trust administered for the welfare of their own tribe. They have recently been increased to $10 per month. It is not to be expected that United States commissioners can be secured for anything like that figure.

As I stated at the beginning of this hearing, we feel that there is need for legislation along the lines of House bill 7826. We realize that this draft of bill may not be perfect, and that there may be improvements necessary to perfect the legislation, but we felt it was our duty to bring this matter to the attention of Congress so that the conditions which I have brought to the attention of the committee and which are well known to people interested in Indian affairs, might be remedied.

That is about all I wish to say, Mr. Chairman.

Mr. FREAR. I would like to ask the witness while the matter is fresh in our minds.

The CHAIRMAN. Without objection, Mr. Frear will be given five minutes to interrogate Mr. Meritt.

Mr. FREAR. I want to ask if you have any idea what the cost of these commissioners and magistrates that have been proposed by

the bill that I have produced, and to which you have referred, would amount to.

Mr. MERITT. I have not figured out the details.

Mr. FREAR. I have understood it would amount to less than $50,000, and that would be only half of the amount that was made reimbursable by the Navajo bridge proposition which was passed last week. Would it not be just as good an investment and protection of the Indians to have court proceedings, as to have a bridge out there, of which they will have no use.

Mr. MERITT. We do not agree to your position.

Mr. FREAR. I understand you don't, but many Senators have come to that conclusion.

Mr. MERITT. I think a reading of that discussion in the Senate will not bear out your statement.

Mr. FREAR. We will not argue that. I am just suggesting it.

The CHAIRMAN. Of course, that is entirely aside from this bill, and really is out of order.

Mr. FREAR. The question of the amount of money involved to which he referred, I am asking in these other cases, if it would not amount to only half of that amount.

Nineteen hundred and eighteen was the time you had your report, you say. That is eight years ago. What is the reason you have not offered legislation since that?

Mr. MERITT. The matter has been before Congress for a number of years.

Mr. FREAR. For eight years you have produced bills each time?

Mr. MERITT. We have called the matter to the attention of Congress.

Mr. FREAR. By the introduction of bills?

Mr. MERITT. We have had a draft of legislation before the Congress for a number of years.

Mr. FREAR. And it has always been refused?

Mr. MERITT. It has not been enacted yet.

Mr. FREAR. Then it has been refused, of course. You assume that the friends of the Indians, to whom you referred, are not all included in the bureau? You spoke of the friends of the Indians, at the outset.

Mr. MERITT. I made no such statement.

Mr. WILLIAMSON. Mr. Chairman, I object to this sort of an examination. We are drawing a lot of inferences. If Mr. Frear wants information relative to this bill, I am willing he should take the time, but I am not willing that he should conduct this sort of an examination. I object to it.

Mr. FREAR. I will ask you Mr. Meritt what rules and regulations are enforced to-day in regard to crimes and offenses, by the Indian Bureau?

Mr. MERITT. We have our regular regulations of the Indian Office which apply to the Indian courts.

Mr. FREAR. Are they published in every reservation?

Mr. MERITT. They are published in the regulations of the Indian Office and every superintendent has a copy of those regulations.

103290—26——7

Mr. FREAR. Have the Indians themselves access to them?

Mr. MERITT. They are accessible to the Indians. They are accessible to the Indian courts.

Mr. FREAR. That provides the practice and procedure of those courts, does it?

Mr. MERITT. It provides for the regulations.

Mr. FREAR. And it provides the penalties, does it?

Mr. MERITT. It does not go into the details of penalties. We leave that to the Indian courts. That is what the courts are there for.

Mr. FREAR. You made the statement that the penalties were rarely over two months, and those were usually for minor offenses. May I read this telegram from the governor to the President, which has just come to my hands on that point? It is addressed to President Calvin Coolidge, Washington, D. C.:

> Responsible woman, whose word I belive, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau, Wis., agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the dark ages and the practice of the degenerate dominant to terrorize the Indian, who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.

What I referred to this for was to ascertain what powers you have given these so-called legal judges.

Mr. MERITT. We might refer to that telegram just a moment. You will notice that the telegram is based on a statement of something somebody has told him. He does not make the statement from his own knowledge. That statement is greatly exaggerated like most of the statements regarding Indian matters. Congress is being flooded with circulars about Indian matters, and a large part of them contain malicious falsehoods.

Mr. FREAR. Will you answer the question as to what powers are given these judges, and what penalties can be enforced under your rules and regulations by these so-called judges?

Mr. MERITT. These Indian judges usually are the older Indians on the reservation.

Mr. FREAR. I am asking you as to the powers, these powers conferred on them my your bureau.

Mr. MERITT. Those judges cooperate with the superintendent in enforcing law and order on these reservations. I have read the testimony before the committee and there has been a disposition to try to make it appear that those Indian judges were tyrannical and arbitrary.

Mr. FREAR. That is not the question I asked, Mr. Chairman. What extreme penalty do you authorize those judges to impose? That is a plain question.

Mr. MERITT. We do not prescribe any penalty. We leave it to the court.

Mr. FREAR. To these judges.

Mr. MERITT. To these judges and if the penalty is too great, the superintendent will review the decision of the court.

Mr. FREAR. But these Indians are appointed by the superintendents, are they not? I mean these Indian judges.

Mr. MERITT. Yes, sir.

Mr. FREAR. Entirely so?

Mr. MERITT. Yes.

Mr. FREAR. So that in the ordinary course of events, no matter whether this proposition of yours is passed, under existing circumstances the Indian judge will largely be controlled by the Indian agent?

Mr. MERITT. Not necessarily.

Mr. FREAR. Do you find many cases where that is not true? How many cases where appeals come to you?

Mr. MERITT. I think the judges are appointed by the appointing power, and they are not controlled by the appointing power. There is no reason why the Indian judges should be controlled.

Mr. FREAR. How many appeals have you had from these courts to your department here within the year?

Mr. MERITT. Very few. It is not necessary to bring them to the department, because there are practically no abuses under those decisions, and when there are abuses the matter is settled immediately on the reservation by the superintendent.

Mr. FREAR. There is no limitation that is given, no instructions and no law, in other words, by which the Indian judge determines what the enforcement shall be?

Mr. MERITT. Yes. There is a law. I have referred you to the statute.

Mr. FREAR. But the statute says "Manage and superintend."

Mr. MERITT. I have also referred you to the decision of the Federal court to sustain the authority of the Indian courts.

The CHAIRMAN. Mr. Frear, you have consumed much more than 5 minutes.

Mr. FREAR. I will not take further time, but there will not be any disposition of the bill to-day?

Mr. HOWARD. Mr. Chairman, will you permit me to ask if this Board of Indian Commissioners is the creation of the Congress?

Mr. MERITT. The Board of Indian Commissioners was created by authority of law, I think, and they are appointed by the President for an indefinite term. They serve without compensation and are men of the very highest character.

Mr. HOWARD. Appointed upon the recommendation of anybody particularly, or just as the President wishes?

Mr. MERITT. They are not appointed upon the recommendation of anybody in particular. They are selected by the President.

Mr. HOWARD. I notice only two of those appointees who live within a thousand miles of an Indian reservation.

Mr. MERITT. But they visit the Indian reservations every year. They go all over a good part of the Indian country, and they are familiar with the conditions on Indian reservations.

Mr. KNUTSON. Mr. Meritt, don't you think that crimes other than misdemeanors should go into the State courts?

Mr. MERITT. We considered that question, and we have no set opposition to that proposition, but we felt that the conditions at this time did not warrant extending all State laws to the Indians. It would result in their being prosecuted in the State courts at great cost to them, and we wanted to save the Indians that great expense.

Mr. KNUTSON. The purpose of this legislation, then, is to save the Indians the expense of employing attorneys and making long trips

to the seat of civil justice? Is that the purpose? I can see where you should have jurisdiction over the misdemeanors, but I am not sure that it should be extended to felonies.

Mr. WILLIAMSON. One question I would like to ask you in connection with section 2, which says:

Reservation courts in Indian offenses shall have jurisdiction of the rules and regulations of offenses committed by the Indians on Indian reservations, for which no punishment is provided by Federal law.

I assume that involves those offenses which are committed upon the reservations proper and upon restricted allotments?

Mr. MERITT. Yes, sir.

Mr. WILLIAMSON. At the time the Sioux Indians of South Dakota were here in the committee room and also represented by their counsel, he suggested one amendment. He objected to it on the ground that there was nothing to indicate what those offenses over which these Indian courts had jurisdiction were, and he suggested that an amendment be introduced as follows:

Over offenses defined by a State law.

Mr. MERITT. We have no objection to that amendment. I think that would clarify the situation.

Mr. WILLIAMSON. I am inclined to think some such amendment might be helpful.

Mr. HILL. That is, whether it is a misdemeanor or a higher offense, be determined by State law in the State where the reservation is located?

Mr. WILLIAMSON. Yes, sir.

Mr. HILL. Adultery and fornication in some States are higher crimes than misdemeanors.

Mr. WILLIAMSON. Yes. Of course, there is the difficulty in dealing with this question on the reservation.

The CHAIRMAN. Am I correct in my understanding of your position, that this bill, if enacted into law, would decrease rather than increase the power that the Indian reservation courts now have?

Mr. MERITT. That is correct.

The CHAIRMAN. It would limit the jurisdiction of those courts rather than increase it?

Mr. MERITT. It would increase the jurisdiction of the Federal courts?

The CHAIRMAN. And the purpose of this is not to increase the hold of the bureau in any way, through the Indian judges?

Mr. MERRITT. Not at all.

The CHAIRMAN. But rather to place a greater amount of responsibility on the Federal courts?

Mr. MERITT. That is exactly it. We are extending all the Federal criminal laws to the Indian reservations.

Mr. KNUTSON. Coming back to my original question, I do not agree with you, Brother Williamson. While I am not a lawyer, if you will read lines 5 and 6 on page 1 of this bill, "shall have jurisdiction of crimes and misdemeanors"—if it is only confined to misdemeanors, why does it not say "misdemeanors" or other violations of Federal statutes?

Mr. SPROUL. A misdemeanor is a crime.

Mr. KNUTSON. Well, I understand that, but it says:

Shall have jurisdiction of crimes and misdemeanors.

Mr. WILLIAMSON. That is an extension of the Federal statutes.

Mr. KNUTSON. "Or other violations of Federal statutes," and then you inserted there "State laws."

Mr. WILLIAMSON. That is in section 2.

Mr. KNUTSON. This bill ought to be limited to misdemeanors, because when you get beyond misdemeanors you ought to have real judicial machinery to deal with it.

Mr. MERITT. That is exactly what we propose here.

The CHAIRMAN. That is exactly what is accomplished by this bill. It puts those things into the Federal courts. At the present time the law specifically states eight crimes that do come under the jurisdiction of the Federal courts, and everything else, as a matter of practice, has come under the jurisdiction of these Indian courts. This bill, instead of enlarging the jurisdiction of the Indian court says that hereafter all the civil and criminal laws of the United States shall apply to Indians and that the United States District and Circuit Courts shall have jurisdiction of all crimes and misdemeanors or other violations of Federal statutes. That would mean all misdemeanors or other violations coming under the Federal statutes committed within Indian reservations or among the restricted Indians. It enlarges the scope of the Federal courts as far as the jurisdiction over the Indians is concerned, and lessens that of the reservation courts. It confines the jurisdiction of the reservation courts to offenses committed by the Indians on Indian reservations for which no punishment is providd by Federal law. It says nothing now about the State laws, but Mr. Meritt has said that he is willing to accept the amendment proposed on the part of the Sioux which would insert a definition of those things contrary to existing State laws within the different States in which the reservations exist.

Mr. WILLIAMSON. If you will permit an observation there, it is suggested in the question raised by Mr. Hill a moment ago, and I think the point is well taken—I think this section 2—if you are going to limit the offenses to those defined by State law, they have to be limited to misdemeanors, because otherwise it would, in effect, give the Indian courts jurisdiction of crimes other than could be handled by a justice of the peace, and I do not think we should extend these Indian courts beyond powers of the justice of the peace.

The CHAIRMAN. I think there is general agreement on that.

Mr. KNUTSON. In our State any crime that is punishable by more than 90 days confinement in the county jail is a matter for the State courts, $100 or 30 days. I observe this law makes the term of imprisonment up to six months. It seems as though that should be changed to three months, because six months is a pretty long imprisonment.

The CHAIRMAN. The situation now is that there is no law limiting what can be imposed by these Indian courts, and this imposes a limitation.

Mr. KNUTSON. But, we can fix the limitation at three months.

The CHAIRMAN. Judge Sproul has just made a suggestion that after another day's hearings on this bill, from which we will get a

full understanding, there should be a subcommittee appointed to shape up the bill and include these different matters if the committee decides it should desire to do that, and then have the committee decide whether it should report out any bill of this kind or not.

Mr. SPROUL. The different laws that are proposed to be applied in the working out a bill, have to be considered carefully in drafting the bill, and it will require some serious thinking, it seems to me, to draft a worthwhile bill.

Mr. MERITT. We would like to sit down with the committee and go over the bill line for line, in a spirit of cooperation and helpful assistance. All we want is legislation that will help the Indians and improve moral conditions on these reservations. It makes us somewhat tired to have these paid propagandists advertising us as trying to reach out for more power. That is all bunk. We do not want any more power. We simply want to improve the conditions on the reservations. Congress is being flooded, as I said before, by these paid propagandists making malicious, lying statements about the Indian Bureau. We are simply here to help the Indians. That is our only purpose, and we do not want any more authority. As I stated before, we are losing authority to the Indian Bureau under this bill. We are extending the authority of the Federal courts to Indian reservations. There are those who believe that the laws of the State should be extended to all Indian reservations. We think that that will be a rather expensive proposition for the Indians, because they will have to go to the State courts and have to employ lawyers and the State criminal laws are very much more extensive than the Federal laws. We would not want the Indians to be put to this great expense. We want to improve the moral conditions on the reservations, and we want to help the Indians in every way possible. We are not seeking for the slightest increase in authority. Our only disposition is to improve conditions on these reservations.

Mr. KNUTSON. That telegram that was read awhile ago about this prisoner being found in a cell 6 by 8 feet with a ball and chain fastened to his ankle, is all bunk, is it not?

Mr. MERITT. We are having that investigated now. We never heard of it until the telegram came to our office. I think you will find that it is like all of these other statements about Indian affairs—it is greatly exaggerated.

Mr. KNUTSON. What the commissioner has just stated is absolutely true. I received a letter from one of the leading newspaper men of Minnesota about two weeks ago which said:

> Please give me the lowdown on all graft and theft that has been going on in the Chippewa country, because I want to get the foundation for a scoop.

I wrote back and told him that usually he did not need any facts for scoops; I rather looked for him to come out with a startling story without anything to build it on. There are a lot of people in Minnesota who believe that the Indians up there are being robbed right along, and everything is being taken away from them, when as a matter of fact they are in better shape now than they probably ever have been, as far as being looked after is concerned. That is true, is it not?

Mr. MERITT. Yes, sir. The Indians are better off to-day, as a rule, than they ever were before in their lives.

Mr. KNUTSON. I would not say that. I think they were better off before the white men came here, but I think they are better off than they have been since the white men started to operate. We will not quarrel on that.

Mr. MERITT. Is this hearing to be printed

The CHAIRMAN. Ultimately.

Mr. MERITT. I think in view of the fact that there is a lot of propaganda going on now by these paid propagandists who make their living baiting Government officials, I want to place in the record the latest statistical information about Indian affairs, which I have taken the trouble to compile. We have also made a comparison of the conditions of the Indians in 1900 as compared with 1925, giving a little statistical table showing the conditions then and the conditions now. We also show a great deal of other information about the Indian situation, the Indian reservations, the Indian schools, the Indian hospitals, and other matters.

The CHAIRMAN. Without objection, that will be included in the record.

(The statement is printed herewith as follows:)

THE AMERICAN INDIAN AND GOVERNMENT INDIAN ADMINISTRATION

[By EDGAR B. MERITT, Assistant Indian Commissioner]

There has been so much misinformation and misrepresentation printed and spoken about the American Indian and the administration by the United States Government of Indian affairs that I believe it desirable and timely to make a statement regarding Indian matters, the accuracy of which can be substantiated by the official records of the Government, the statutes of Congress, and the decisions of our courts.

HISTORICAL

The Indian Bureau was established March 11, 1924; the office of Commissioner of Indian Affairs was created in 1832, and in 1849 the Department of the Interior was established by act of Congress and the Bureau of Indian Affairs transferred to that Department from the War Department, where it has since remained.

President Jefferson, in one of his messages to Congress, correctly forcasted the right policy for the Indians of this country in the following language: "In truth, the ultimate point of rest and happiness for them (the Indians) is to let our settlements and theirs meet and blend together, to inermix and become one people. Incorporaing themselves with us as citizens of the United States is what the natural progress of things will bring on; it is better to promote than retard it. It is better for them to be identified with us and preserved in the occupation of their lands than to be exposed to the dangers of being a separate people."

IMPORTANT INDIAN LAWS AND COURT DECISIONS

Under constitutional authority and since the foundation of our Government the Indians have been treated as wards of the Government and the United States has acted as the guardian of all restricted Indians.

Section 441 of the Revised Statutes provides that "The Secretary of the Interior is charged with the supervision of public business relating to * * * the Indians."

Section 463 of the Revised Statutes reads: "The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior and agree-

able to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations."

The power of Congress to control and administer the affairs of restricted Indians has been recognized since the inception of our Government. The Secretary of the Interior and the Commissioner of Indian Affairs are charged by law with the duty of acting as the guardians of the property of the Indians and as the protectors of their rights. (West *v.* Hitchcock, 205 U. S. 85.)

The Supreme Court of the United States has repeatedly held that Congress has the right to determine when the guardianship over the Indians shall cease and that Congress has at all times the right to enact legislation in the interest of the Indians as a dependent people. (Tiger *v.* Western Improvement Co., 221 U. S. 316.)

Ward Indians may hunt and fish on restricted property within their own reservations, notwithstanding State laws, when the game or fish is for their own use (In re Blackbird, 109 Fed. Rep. 139), but on ceded and other lands tribal Indians are subject to the laws of the State applicable to hunting and fishing. (Kennedy *v.* Becker, 241 U. S. 556.)

The first treaty between the United States and an Indian tribe was made with the Delaware Indians on September 17, 1778. (7 Stats. 13.)

No treaties have been made with Indian tribes since the passage of the act of March 3, 1871 (16 Stats. 556), which provides in part—

"That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe."

The reason for this legislation was based on the theory that the Federal Government can not recognize an independent nation or sovereignty existing within the borders of its own territory. Since the passage of this legislation prohibiting treaties with Indian tribes their affairs have been dealt with through congressional enactment.

The Supreme Court has held in substance that a treaty with Indians is of no greater force or effect than an act of Congress. In the case of Lone Wolf *v.* Hitchcock (187 U. S. 566) the court held that—

"The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith toward the Indians."

There are now on the statute books about 370 Indian treaties and 2,000 laws relating to Indian affairs.

INDIAN CITIZENSHIP

The act of Congress approved June 2, 1924 (43 Stats. 253), provides—

"That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

By this act citizenship is conferred on all Indians in the United States. Prior to the passage of this act two-thirds of the Indians of the United States were citizens. The Indians allotted under the general allotment act of February 8, 1897 (24 Stats. 388), as amended, were made citizens. Because of the decision of the Supreme Court of the United States in the Heff case (197 U. S. 489), Congress thought it wise to defer citizenship until after the expiration of the trust period, or until an Indian should receive a patent in fee. This resulted in the act of May 8, 1906 (34 Stats. 182), known as the Burke Act. An Indian child born in the United States of citizen parents was born to citizenship. Indian women who married citizens of the United States became citizens, in pursuance of the act of August 9, 1888 (25 Stats. 392). Congress, in the Act of November 6, 1919 (41 Stats. 350), provided that Indian soldiers

and sailors who served in the recent World War and who had been honorably discharged could be granted citizenship by courts of competent jurisdiction. All Indians of the Five Civilized Tribes of Oklahoma were made citizens by the act of March 3, 1901 (31 Stats. 1447), and under the act of March 3, 1921 (41 Stats. 1250), Congress extended citizenship to all Osage Indians in Oklahoma. The Supreme Court of the United States in United States *v.* Nice (241 U. S. 598), held that "Citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely emancipating the Indians or placing them beyond the reach of congressional regulations adopted for their protection." Any Indian in the United States could, by his own act, become a citizen under section 6 of the general allotment act of February 8, 1887, as amended, by separating himself from tribal relationship and taking up the habits of civilized life.

INDIAN POPULATION

The records of the Indian Office show that there are 349,595 Indians in the United States, an increase of approximately 16,585 over 10 years ago—a percentage of increase in population over a 10-year period of approximately 4½ per cent. The increase in the population of the Cherokee Indians of North Carolina has been very notable, their population being 7,914 in 1912, and present reports indicate a population of 11,969.

It will be noted that the Indian race is no longer a "vanishing race." This condition has been brought about through the efforts of the Indian Bureau to introduce in the homes of the Indians modern sanitary methods of living and by furnishing increased medical and hospital assistance and teaching the Indians the laws of health and sanitation.

States containing large Indian populations are Oklahoma, with 120,163; Arizona, 43,950; New Mexico, 22,481; South Dakota, 24,241; Minnesota, 14,300; California, 18,812, and Montana, 13,142. There are about 38,000 Navajos in Arizona and New Meixco; over 30,000 Sioux in North and South Dakota, Montana, Nebraska, and Minnesota; 19,873 Chippewas in Minnesota, North Dakota, and Wisconsin; 11,190 Pueblos in New Mexico, and in the Five Civilized Tribes, in Oklahoma, there are approximately 101,500 enrolled members, including 23,405 Freedmen. The population of each tribe is as follows: Cherokee, 41,824; Choctaw, 26,828; Creek, 18,761; Chickasaw, 10,966, and Seminole, 3,127. A tabulation of the Indian population for the fiscal year ending June 30, 1925, follows by States:

Alabama	405	Nebraska	2,620
Arizona	43,950	Nevada	6,130
Arkansas	106	New Hampshire	44
California	18,812	New Jersey	99
Colorado	792	New Mexico	22,481
Connecticut	159	New York	6,135
Delaware	2	North Carolina	11,969
District of Columbia	37	North Dakota	9,911
Florida	466	Ohio	152
Georgia	125	Oklahoma	120,163
Idaho	3,963	Oregon	5,993
Illinois	194	Pennsylvania	358
Indiana	125	Rhode Island	106
Iowa	363	South Carolina	304
Kansas	1,522	South Dakota	24,241
Kentucky	57	Tennessee	56
Louisiana	1,066	Texas	2,110
Maine	839	Utah	1,172
Maryland	32	Vermont	24
Massachusetts	550	Virginia	822
Michigan	7,599	Washington	11,695
Minnesota	14,300	West Virginia	7
Mississippi	1,150	Wisconsin	11,268
Missouri	171	Wyoming	1,808
Montana	13,142		

The foregoing population figures are based upon census returns and the reports of births and deaths.

INDIAN ALLOTMENTS

About 206,500 Indians have received 245,521 allotments, including 9,905 allotments on the public domain, totaling approximately 40,000,000 acres of land, valued at half a billion dollars. There remain to be allotted approximately 118,500 Indians with unallotted lands of about 35,000,000 acres, valued at $69,500,000. Allotments are usually made under the general allotment act of February 8, 1887, as amended. Under this act an Indian receives a trust patent for his allotment with restrictions upon alienation for a period of 25 years. Noncompetent Indians may sell all or part of their allotments under the act of March 1, 1907 (34 Stat. 1018), with the approval of the Commissioner of Indian Affiairs and the Secretary of the Interior. Under what is known as the Burke Act of May 8, 1906, patents in fee may be issued to Indians where they are competent to handle their own affiairs. When a patent in fee is issued the department no longer retains jurisdiction over the land. Eighty-five per cent of the Indians of the Five Civilized Tribes in Oklahoma are no longer under the jurisdiction of the Indian Bureau, and about 30,000 Indians outside of the Five Civilized Tribes have received patents in fee and are free to dispose of their lands as they see fit. 'It will be seen that practically one-third of the Indians of the United States are no longer wards of the Government or under the jurisdiction of the Indian Bureau. Within the next 15 years the 25-year trust period on a large number of Indian allotments will expire and the jurisdiction of the Indian Bureau will thereafter cease over those Indians unless by reason of incompetency the trust period is further extended, as authorized by the act of June 21, 1906 (34 Stat. 326).

Indian property is not subject to taxation by local authorities as long as the property is held in trust by the Government for the Indians. (U. S. *v.* Rickert, 188 U. S. 432.)

INDIAN INDUSTRIAL ADVANCEMENT

The Indians of the United States in recent years have made remarkable progress in agriculture and stock raising. They own livestock and poultry valued at approximately $30,150,000, consisting of 300,000 horses, 161,000 cattle, and 867,000 sheep. About 27,500 Indians are farming nearly 610,500 acres of land and 31,725 Indians are using 20,423,762 acres in their stock raising.

Approximately $4,698,000 to buy licestock, seeds, farm implements, and other equipment has been loaned the Indians from funds appropriated by Congress and tribal funds set aside for this purpose, for the promotion of agricultural pursuits and self-support, up to June 30, 1925. Of this amount $3,310,514 has been repaid by the Indians in installments, while $1,387,532 remains unpaid still in active accounts to be collected as installments fall due. The loans have been distributed on 80 different Indian reservations and about 40,000 Indian families have been helped to finance themselves in farming, stock raising, and other industries. Loans made in this way enable a large number of Indians to develop their land, make use of their resources, and progress toward the self-supporting stage. The loans are made on liberal terms, no interest being charged. Six years are allowed in which to pay for livestock, and four years for other articles if necessary. The Government makes the purchases under contract, and in this way the Indians obtain the articles at cost.

In connection with the agricultural and stock-raising activties of the Indians, we encourage fairs to be held on the various reservations in order to create rivalry among the Indians. We also encourage the Indians to have exhibits at the white fairs so as to bring them in competition with their white neighbors. A number of Indians each year receive prizes at these fairs because of their splendid exhibits of stock and farm products.

In 1922 a campaign was started for the adoption of a five-year program for each Indian reservation, for the purpose of having a definite outline of the best plan to develop the resources and utilize the many activities effectively, the chief objective being self-support for each Indian family. It was soon recognized that same form of organization was necessary to make a success of this undertaking, and this necessity led to the organization of groups of Indians, with their own officers, for the purpose of stimulating effort along farming and stock-raising lines. The Indians throughout the

service are taking unusual interest in chapter work. The spirit of friendly rivalry which exists between chapters is an incentive to put forth best efforts for increased acreage, better farm and garden products, improvement in health, better homes, etc. Chapters or farm clubs are in operation, or in process of organization, on 25 reservations, and plans are being made for their inauguration on every reservation.

Through women's clubs and auxiliaries to chapters the Indian women are evincing much interest in learning up-to-date methods of preserving and canning meats and fruits, cooking, and improving the sanitary condition of their homes. Many are making a success of raising poultry, not only furnishing their own tables with meat and eggs, but deriving some income from surplus supplies. Sewing clubs have a large enrollment and furnish instruction work in making of home garments, patching and darning, making comforts, and other lines of sewing. Many Indian women earn a good living through native arts, such as lace making, beadwork, pottery, and weaving of blankets and rugs, in addition to looking after the welfare of their families. No mother is more devoted to her children than the Indian mother.

We are now making boys' and girls' standard club work one of the leading features of our industrial program among the Indians. A large measure of success has already been achieved. Indian children have taken the highest honors at county, State, and interstate fairs in competition with the whites. We had Indian representatives at the National Club Congress this year. Summer work includes attendance at county and State club encampments and short courses at the State colleges. The membership has increased the past year from 400 to 1,900, not including the Five Civilized Tribes, which have 2,500 members. Organized work is now conducted on 58 reservations. The projects include sheep, goat, pig, calf, poultry, corn, potato, garden, chili, bread, canning, sewing, and home-improvement clubs. With few exceptions each member finances his or her own project.

INDIAN FUNDS

The Indians have at this time approximately $22,000,000 of tribal funds and $34,000,000 of individual Indian funds in the Treasury and on deposit in various banks which are bonded for the safekeeping of such funds. There are 750 of these banks and they pay interest averaging 4 per cent per annum. Thirty-one million five hundred thousand dollars of money belonging to individual Indians has also been invested in Government securities, which are held for safe-keeping by the Treasury Department, and interest thereon is paid to the Indians semiannually. Tribal funds may be distributed to the individual members of the tribe under the act of May 25, 1918 (40 Stats. 591). The total Indian property of all kinds is valued at more than a billion and a half dollars.

INDIAN SCHOOLS

The Indian Bureau is conducting one of the most efficient school systems among the Indians to be found anywhere in the United States or the civilized world. Dr. Samuel A. Eliot, a member of the Board of Indian Commissioners, an advisory board created by Congress and appointed by the President, and in no way connected with the Indian Bureau, in speaking of our Indian school system stated that "I wish I might send my children to an Indian school. There are no finer in the country, public or private. That may be too broad a statement as to instruction, but in educational theory and, in the larger schools, in equipment, none surpasses and few equal them."

The Continental Congress on July 12, 1775, appropriated $500 for the education of Indian youth at Dartmouth College, New Hampshire. Similar appropriations were made from time to time, but the first general appropriation for Indian education was made by the act of March 3, 1819 (3 Stats., 516). Early appropriations for Indian education were used to assist individuals and societies who were disposed to give their time and resources to the education and civilization of the Indians. Appropriations were made annually by Congress until 1849 in the sum of $10,000 for Indian educational purposes. As various Indian treaties were made appropriations for Indian education were provided, and in many of these treaties tribal funds were made available for the education of Indian children.

In 1878 the Indian department at Hampton Institute, Hampton, Va., was started, and the following year, 1879, the training school at Carlisle, Pa., was established—the first strictly Government Indian boarding school. From that time on reservation and nonreservation boarding schools have been established, as well as day schools. Latest reports indicate that there are 83,765 Indian children of school age, 12,191 of whom are not in school. There are in nonreservation boarding schools, 10,062 pupils; reservation boarding schools, 11,445 pupils; day schools, 4,909 pupils; mission boarding and day schools, 6,570 pupils, and in the public schools, 34,452 pupils, making a total of 67,438 Indian children in all schools. There are 6,168 Indian children of school age ineligible for attendance on account of physical disabilities and premature marriages.

There are in the Indian Service 18 nonreservation boarding schools; 59 reservation boarding schools, and 140 day schools. In addition to these schools we have contracts for the education of Indian pupils in 18 mission boarding schools. Indians are also receiving education in 37 noncontract mission boarding schools and 26 mission day schools. We are attempting to procure from Congress additional appropriations so that we can provide school facilities for every eligible Indian child. It is our aim to accomplish this within the next few years. We have approximately 2,500 Navajo children in Arizona and New Mexico out of school, and the Government is under treaty obligations to see that these Indians receive an education. Quite recently there has been secured, by transfer from the War Department, two abandoned military posts in Arizona and New Mexico for use as Indian boarding schools. These posts, formerly known as Fort Apache, Ariz., and now the Theodore Roosevelt School, and Fort Wingate, N. Mex., now the Charles H. Burke School, will provide additional capacity for about 1,200 Navajo children.

Under the act of June 7, 1897 (30 Stats. 79), the Indian Bureau is not now permitted to use gratuity appropriations for the payment of tuition of Indian children in sectarian schools, but under the decision of the Supreme Court in the case of Quickbear *v.* Leupp (210 U. S., 50), the Indian Bureau can, under certain conditions, use Indian treaty and trust funds to educate Indian children in mission schools. Out of the annual appropriations, amounting to $12,000,000, there is expended in round numbers $6,000,000 for the education of Indian children. We educate Indian children in public and Indian day schools at a cost of from $60 to $125 per annum per pupil, and in our reservation and nonreservation boarding schools at a cost of approximately $225. Prior to the passage of the act of May 25, 1918 (40 Stats. 565), the per capita cost of these boarding schools was limited by the provisions of the act of April 30, 1908 (35 Stats. 72), to $167. Some of our nonreservation boarding schools will compare favorably with many secondary vocational schools of the country and we are conducting these Indian schools at about one-half the cost per capita required by institutions of similar character, according to figures furnished by the United States Bureau of Education.

In our Indian boarding schools there is furnished food, clothing, transportation, medical attendance, and dental service, together with vocational training. The Indian boys are taught and are given practical experience in trades, agriculture, and stock raising, and the Indian girls are given an opportunity to learn, by practice, the things they will be required to do in their own homes. In our Indian day schools a midday meal is furnished without cost to the children. Our Indian schools were among the first in this country to furnish medical and dental service and require the weighing of children at stated periods, as well as to give each child careful physical examination with the view of taking preventive measures to avoid disease. The work of educating the 67,000 Indian children now in school is being accomplished in an efficient and effective manner at a remarkably low cost, and the Indians are showing keen appreciation for the educational advantages furnished by our Government Indian schools. You will be interested to know that only recently restricted Indians in the Five Civilized Tribes have, with the approval of the Interior Department, contributed nearly $1,000,000 of their individual funds toward the endowment of institutions for the education of children of the Indian race.

INDIAN MARRIAGE AND DIVORCE

We are endeavoring to have Indians comply with the marriage and divorce laws of the country the same as white citizens, but there are still a few of the ward Indians who are married and divorced according to the old Indian custom. This number, however, is being decreased each year.

INDIAN PROBATE WORK

Since the passage of the act of June 25, 1910 (36 Stats. 858), giving the Secretary of the Interior and the Commissioner of Indian Affairs authority to determine the heirs of deceased Indians and to approve or disapprove Indian wills, the Indian Bureau has determined the heirs in approximately 42,000 cases involving lands worth about $70,000,000. These determinations have been accomplished at a very low cost to the Indians, the average cost per case being approximately $30 less than one-fourth of what it would cost the Indians if their estates had been probated in local courts, as well as a saving to them of large attorneys' fees.

INDIAN MEDICAL SERVICE AND HOSPITALS

About 24,000 Indians are more or less affected with tuberculosis, and approximately 29,000 Indians have trachoma, a dreadful disease of the eyes, which, if not given proper treatment, will result in total blindness. The general death rate among Indians has been reduced from 32.24 per thousand in 1913 to 24.84 per thousand in 1925. The first hospital among Indians was established in 1882. In 1900 there were only 5 Indian hospitals and in 1925 there were 82 hospitals, including sanatoria, school, agency, and general hospitals, in operation in the Indian Service with a total bed capacity of 2,573. We gave medical treatment to over 27,600 Indians in hospitals last year. We have special eye, ear, nose, and throat physicians traveling from one reservation to another, in addition to about 180 physicians located on the various reservations. We also have in the service about 135 nurses who assist the physicians on the reservations and in the hospitals, and about 40 field matrons who are located on the reservations and who endeavor to improve home conditions among the Indians. We have 7 dentists who travel from reservation to reservation giving professional dental service to Indians without cost to them. In 1911, $40,000 was appropriated for health work among the Indians. The Indian Bureau has obtained increased appropriations from year to year until the present year we have an appropriation of $700,000 for health work among the Indians. It is our ambition to continue to get increased appropriations for this work so that eventually we may have an ample number of physicians, as well as a hospital, at practically every school and agency in the United States. There are approximately 40,000 Indian families living in permanent homes and nearly 10,000 families still living in tents, teepees, and wickiups.

The Indian Service has formulated plans for the prevention and treatment of trachoma. From the standpoint of prevention, prophylactic measures have been instituted. These comprise segregation of the trachomatous pupils in the dormitories, schoolrooms, and dining rooms. Each pupil is supplied with individual towel, individual tooth and hair brushes, soap, pencils, books, etc. Running water is used for washing and the basins are never permitted to be plugged. Antiseptic solutions are used for disinfecting, frequently, all objects, including washbasins, railings, door knobs and casings, beds, and pencils and erasers. As an active measure against trachoma the Service has employed a corps of nine special physicians, each supplied with a special nurse, whose prime duty is to diagnose and treat by operative or other means, the trachoma in the Indian Service. During the past year these physicians examined a total of 68,223 Indians for trachoma. Operations were performed on 8,455 cases and treatment without operation given in 5,581 cases.

INDIAN TIMBER

The Indians own $130,000,000 worth of timber which may be sold under the act of June 25, 1910 (36 Stats., 857). We have throughout the Indian country approximately 25 Government-owned sawmills, and we are endeavoring in every way possible to get Indians to improve their homes as well as their farms by using the lumber produced at these mills. Large timber operations are carried on, under contract, on several of the reservations in the Northwest and Southwest.

INDIAN IRRIGATION PROJECTS

The Indians of the Southwest were the first irrigationists in this country. It is of record that they have been irrigating land for more than 300 years. Congress has appropriated about $32,750,000 for irrigation projects on Indian reservations and there are 1,368,134 acres of land under these projects capable of irrigation, with over 657,000 acres under constructed works and now irrigable. Some of the Indians are making remarkable progress cultivating these irrigable lands.

LIQUOR TRAFFIC AMONG INDIANS

Notwithstanding the Federal prohibition laws it is still necessary for Congress to appropriate money for the suppression of the liquor traffic among Indians and $22,000 is appropriated for this purpose for the present year. Formerly $100,000 annually was appropriated for this work.

OIL INDUSTRY ON INDIAN RESERVATIONS

Oil has been discovered on a number of reservations, notably in Oklahoma. The richest-producing oil field in the United States is found in the Osage Nation in Oklahoma and belongs to the Osage Tribe of Indians. These lands were purchased by the Osages from the Cherokee Indians at a price of $1.25 per acre. The Cherokees, at the time of this sale in June, 1883, thought they had made a fine bargain with the Osages. The Osages were allotted the surface of the lands and the mineral rights were reserved for the benefit of all of the Osage Indians and they share equally in oil royalties and bonuses. Each enrolled Osage Indian last year received from the Government approximately $13,200. Some families received as high as $112,000, derived largely from oil royalties and bonuses. The bonuses received for leases sold during the year amounted to $1,758,950, and the deferred bonus payments from previous sales paid in during the year amounted to $13,740,607, and the Osage Indians receive in addition to this one-fifth and one-sixth royalties required under the terms of the leases, the royalties depending upon the capacity of the wells. There were 33,662,179 barrels of oil produced in the Osage Reservation last year.

The Indians of the Five Civilized Tribes did not reserve the minerals to the tribes when allotments were made. Therefore, some Indians have received tremendous sums in royalties from oil production on their lands, while others only received agricultural lands. Some of the Creek Indians in Oklahoma received as high as $50,000 a year from oil royalties. Jackson Barnett, a Creek Indian, refused to select an allotment and had to be arbitrarily allotted in the Creek Nation. His practically worthless farm land proved to be one of the richest oil allotments in the Creek Nation. There were produced last year on restricted Indian allotments within the Five Civilized Tribes 13,532,857 barrels of oil.

Oil has also been discovered in the Pawnee, Otoe, and Kiowa Reservations in Oklahoma; the Crow Reservation, in Montana, the Shoshone Reservation, in Wyoming; and recently oil and gas have been discovered in the Navajo Reservation, in New Mexico.

While a few of the Indians have been exceedingly lucky in drawing oil allotments and have become wealthy through oil royalties, we should not get the impression that all Indians are well to do. We have a large number of Indians who are exceedingly poor and need every assistance possible from the Government. Rations valued at $137,000 were issued last year to approximately 10,000 Indians and there are a large number of old and indigent Indians who will require the continued care of the Government.

RELIGIOUS WORK IN THE INDIAN COUNTRY

In the Indian field we welcome the cooperation of missionaries of all denominations. For a great many years a large number of missionaries of various denominations have been devoting their lives to religious work among the Indians. Latest statistics show that there are approximately 400 Protestant and 200 Catholic missionaries in the Indian field with approximately

48,000 Indians affiliated with Protestant Churches and 60,000 with Catholic Churches. There are a large number of adult Indians who have not yet professed Christianity. I know of no better opportunity for service to humanity than missionary work among the American Indians.

APPROPRIATIONS BY CONGRESS FOR THE INDIAN SERVICE

Out of approximately $12,000,000 appropriated by Congress annually from the Federal Treasury for the Indian Service, $1,000,000 is needed to meet treaty obligations, $2,000,000 are reimbursable appropriations and $9,000,000 are gratuity appropriations. In addition to this amount, the appropriation act authorizes an expenditure of approximately $3,000,000 from tribal funds of the several tribes. The following tabulation shows expenditures by States for the fiscal year 1925, for Indian Service activities, from the funds above mentioned.

Arizona	$2,862,944.87	New York	8,694.98
California	720,030.62	North Carolina	118,019.84
Colorado	129,860.94	North Dakota	519,782.07
Florida	10,022.96	Oklahoma	2,242,958.75
Idaho	536,129.46	Oregon	545,436.73
Illinois	28,135.00	South Dakota	1,341,746.77
Kansas	268,469.66	Utah	220,624.93
Michigan	122,984.80	Washington	570,006.54
Minnesota	483,717.35	Wisconsin	375,881.93
Mississippi	36,732.33	Wyoming	374,149.56
Missouri	31,462.69	Supervision, etc	860,338.42
Montana	1,078,205.40		
Nebraska	200,124.80	Grand total, all funds, all States	15,227,026.67
Nevada	290,041,10		
New Mexico	1,250,524.17		

EMPLOYEES, RESERVATIONS, TRIBES, AND LANGUAGES

We have 200 employees in the Indian Bureau at Washington and approximately 4,900 field employees of all classes. Of this latter number more than 1,700 are Indians who have been educated in Indian schools. About one-half of our employees devote their entire time to Indian school work. Salaries paid to superintendents range from $1,860 to $3,300 per annum; full-time physicians, $1,860; to chief medical supervisor, at $5,200 per annum; and teachers and farmers, $1,200 to $1,560 per annum. The employee force of the Indian Service, both in the bureau at Washington and in the field, has been materially reduced in recent years. We furnish field employees quarters, heat and light in addition to their salaries. Indian Service employees must have the missionary spirit in order to make a success of their work among the Indians.

There are 200 Indian reservations with 193 different tribes under 119 jurisdictions—schools and agencies. The Indian country covers an area as large as all of the New England States and the State of New York combined. The Indians of this country speak 58 different languages.

BRILLIANT WAR RECORD OF INDIANS

The Indians made a wonderful showing during the World War. There were 10,600 Indians who served in the Army and 2,000 in the Navy. There were approximately 10,000 Indian members of the Red Cross, who made over 100,000 garments and sent 500 Christmas boxes during the World War. In addition, the Indians of the country subscribed $25,000,000 for Government bonds.

Some of the Indians who served in the war made wonderful records, and probably no more brilliant instance is recorded than that of Private Joseph Oklahombi, a full-blood Choctow of Company D, one hundred and forty-first Infantry, whose home is at Bismark, Okla., and who received the croix de guerre under the order of Marshal Petain, commander in chief of the French Armies of the East. A translation of the order follows:

"Under a violent barrage, dashed to the attack of an enemy position, covering about 210 yards, through barbed-wire entanglements. He rushed on

machine-gun nests, capturing 171 prisoners. He stormed a strongly held position containing more than 50 machine guns and a number of trench mortars. Turned the captured guns on the enemy and held the position for four days, in spite of constant barrage of large projectiles and of gas shells. Crossed no man's land many times to get information concerning the enemy and to assist his wounded comrades."

INDIAN BUREAU CRITICS

There is considerable propaganda going on against the Indian Bureau for the purpose of releasing all Indians from Government supervision. This propaganda is fostered by selfish interests. The billion and a half dollar Indian estate looks mightly tempting to the Indian land grafters. They seem to be well organized and have some good people deceived by their propaganda. They are using the services of white agitators and some shrewd mixed-blood Indians who are willing to sacrifice the less fortunate of their own race for personal gain and an opportunity to rob them of their patrimony. A western magazine carried a story at one time that the Blackfeet Indians of Montana had been for years in a starving condition. Official records show that the Blackfeet Indians have increased in population since 1912 from 2,816 to 3,244 in the year 1925. That does not look much like starvation for the Blackfeet Indians. Maj. James McLaughlin, for 50 years a worker among Indians and author of the book entitled "My Friend, the Indian," says that out of his long experience of 50 years among the Indians he has never known of a single case of actual starvation of an American Indian.

REPRESENTATION IN CONGRESS BY INDIANS

The Indian race is not without representation in Congress. Senator Charles Curtis, of Kansas, is an enrolled member of the Kaw Tribe; Hon. Charles D. Carter, a member of Congress from Oklahoma and formerly chairman of the Committee on Indian Affairs of the House of Representatives, is an enrolled member of the Chickasaw Tribe of Indians. Hon. W. W. Hastings, a member of the Cherokee Tribe, is a member of Congress from Oklahoma, and ex-Senator Robert L. Owen, of Oklahoma, is a member of the Cherokee Tribe. It will be seen, therefore, that the Indians are well represented in Congress by members of their own race.

The two officials most directly charged by law with the administration of Indian affairs, the Secretary of the Interior and the Commissioner of Indian Affairs, are sincere friends of the Indians and can be depended upon to guard and promote most faithfully every interest of our Government wards, Commissioner Burke has long lived among the Indians, has served many years on the House Indian Committee, and knows their needs.

I know of no dependent people in the history of the world who have made more rapid progress during the last 50 years than the American Indian, and I know of no Government during that time that has been more generous or more faithful to its trust than has our Government toward the American Indian. Congress has appropriated since 1871 for the support, education, and civilization of the Indians $460,000,000. As a result of this generosity by our Government the Indians to-day are an economic, artistic and intellectual asset to our national life. The Indians as a rule are kind, generous-hearted, and patriotic, and face the future with hope, courage, and a determination to succeed in life. Their progress, education, and civilization have been remarkable indeed, and their future outlook as individuals and as a race is most encouraging.

A recent report of the Board of Indian Commissioners aptly describes the work of the Indian Service in the following language:

"The Indian Bureau is the great social service organization of the United States Government. It is one of the largest educational institutions in the world. It is a combination probate court, trust company, agricultural and livestock corporation, mining company, oil concern, timber organization, public-health service, irrigation promoter, public roads commission, developer of natural resources, purchasing agent, town builder, municipal court, police department, board of county commissioners, orphan asylum, relief and aid society, philanthropical association, bank, and employment agency. And this list of its manifold activities is by no means complete."

The following table gives a comparison of Indian Service activities in 1925 with 1900, a period of 25 years.

Comparative statement showing progress of Indians during the last 25 years

	1900	1925
Number of Indians	270,544	349,595
Value of property	$610,000,000	$1,656,046,50
Number of Indian children in public schools	3,052	34,452
Number of Indian children in Government schools	22,124	26,416
Number of Indian children in all schools	26,451	67,438
Number of missionaries all denominations among Indians	430	600
Number of Indian families living in permanent homes	25,749	40,160
Number of Indians speaking the English language	55,290	127.644
Number of Indians affiliated with churches (all denominations)	30,698	108,000
Number of Indians farming and raising stock	10,835	59,212
Number of acres farmed	342,351	610,486
Total value of agricultural products of Indians	$1,408,865	$7,197,137
Number of sheep owned by Indians	486,281	866,983
Number of allotments made	55,996	245,521
Number of acres allotted to Indians (approximate)	6,736,504	40,000,000
Appropriations for health work among Indians	$50,000	$700,000
Number of Indian hospitals	5	82
Number of physicians	54	186
Number of nurses	33	124
Number of acres of land irrigated by Indians (estimated)	16,500	116,329
Number of Indians employed in Indian Service	701	1,708
Appropriations for Indian Service	$7,749,951	$14,077,280

The CHAIRMAN. It is now 10 minutes after 12, and I do not feel like holding the committee longer at this time, so we will adjourn if there is no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., Wednesday, March 31, 1926.

The committee met at 10.30 o'clock a. m., Hon. Scott Leavitt (chairman) presiding.

The CHAIRMAN. The committee will come to order. It was the intention to continue this morning the hearings on H. R. 7826, which is a bill to extend the civil and criminal laws of the United States to Indians, and for other purposes. Unfortunately for the committee, it was decided yesterday to begin the session of the House to-day at 11 o'clock, and most of the members feel that they should be on the floor very shortly after that time, in order to hear the statements regarding the impeachment of Judge English.

Without objection, the procedure to be followed will be this: Miss White was invited to be present this morning, and she can not be here to-morrow. We will ask Miss White to make a statement, to present any matter that she wishes to, in regard to H. R. 7826, and then we will go ahead with our hearing at the time of the regular meeting of the committee to-morrow morning at 10.30.

STATEMENT OF MISS AMELIA E. WHITE

Miss WHITE. It is very kind of you to let me make my statement this morning, as I have to go back to New York to-day.

I am secretary of the Eastern Association on Indian Affairs, and I am speaking for that organization and for our Massachusetts branch, and also for the New Mexico Association on Indian Affairs.

We felt that we could not support the bill without certain amendments, and we sent a memorandum of our points that we were contending for to the Commissioner of Indian Affairs, and also to Mr. Leavitt through Governor Hageman.

I am not a lawyer. Unfortunately the two lawyers of our association, Mr. Jackson and Mr. Curtis, could not come here to-day, so that I simply must state the principles we stand for, and leave it to this committee to put them in fool-proof language.

This association feels that it will be hard on the Indians themselves to abolish the reservation courts. They would have to travel long distances, and it would be difficult and expensive for the offenders, and in many cases offenders would escape altogether, which we think would work an injustice to the Indians who had been injured.

The CHAIRMAN. Let me get my mind clear just at that point. Your position is that you favor the continuing of the Indian courts?

Miss WHITE. The continuing of the reservation courts.

The CHAIRMAN. You wish the bill amended in certain particulars?

Miss WHITE. Yes; that is, we think that the Indians should have a voice in the selection of the personnel of the court, and that in that way the criticism that has been voiced so many times of the undue influence of the superintendents in selecting the personnel of these courts, would be done away with, and we think that in that way the Indians would be given an added sense of responsibility; and, now that they have been made citizens by Congress, it is time that they should be introduced to their rights and responsibilities.

We also thought that the cases coming before these courts should be limited to misdemeanors—I think it is a pertinent thing to ask for—and that no one should be imprisoned for more than 60 days, which is in the bill now, I believe.

Then in the matter of the marriage and divorce laws, we felt that it would be better if that matter were avoided altogether, because you would immediately come up against the matter of religious freedom, and we have always contended that Indians should have religious and social freedom in all matters not directly contrary to public morals. That is, religious freedom should be the same for the Indian as for the white man.

Of course instances of actual dereliction, questions of morality, should be decided upon the same basis as white derelictions; but the bill seems to imply that legitimacy is in question here, and inheritance, and it seems as if there must be some way of getting around that; that the Indian marriage and divorce should be considered legitimate—the Indian custom marriages and divorce should be considered legitimate—and should be made legitimate in some way through State laws perhaps.

The Catholic Church does not consider a Baptist marriage legitimate, so that when it is a question of religious marriage there is always that difficulty. We feel that that is a matter that ought to come under the State laws, perhaps, of the States in which the Indians reside. At any rate, there is evidently that feature of legitimacy and inheritance, and we would leave the committee to work

Hearings, House Comm Indian Affairs, Feb. 13-May 20, 1926. [Printed July 1926]
(H.R. 7826)

STATEMENT OF JENNINGS C. WISE, OF WASHINGTON, D. C.

Mr. WISE. What is going to be before the committee to-morrow?

The CHAIRMAN. We have one other matter that we must take up and dispose of.

Mr. WISE. I simply wanted to present this in regard to House bill 7826, appearing as national counsel of the American Indians. In this brief I have undertaken to show that irrespective of whether this bill is desirable or undesirable, good or evil, it is unconstitutional in five respects, and that the amendments have not taken out of it that fundamental defect of unconstitutionality; so that in my opinion as counsel I think all this discussion is irrelevant and unnecessary, because the bill is not constitutional and could not be passed, and could not be sustained as law if it was passed.

Mr. HASTINGS. Will you take up your five points? I do not mean to do it in detial, but you say it is unconstitutional, and just take up your points, first, second, third, fourth, and fifth, so that we will have a general picture, and we will look at your brief for the particulars.

Mr. WISE. I am not discussing the amendments. My opinion is that the amendments have not changed the matter of unconstitutionality.

I think the bill is unconstitutional in respect to the fact that Congress only has power to create a court within the constitutional judicial powers of the United States, and Congress can not create a court to deal with an offense which is not an offense under the Federal law, so Congress could not create the court if it wanted to, because it is over and beyond the judicial power of the United States.

Second. It is unconstitutional because the Constitution requires that no man shall be convicted of an offense with imprisonment, except by due process of law, and due process of law has been held to be not the adjudication of an executive agent.

Third. It is unconstitutional because it enables a man to be convicted of a heinous offense. A heinous offense is one for which a heinous penalty is imposed. Imprisonment is a heinous penalty. No man can be convicted of a heinous offense without a presentment to a grand jury.

Fourth. It is unconstitutional from the fact that no man can be deprived of his life, liberty, or property for a crime without a trial by jury, and this does not provide for trial by jury.

Fifth. It is unconstitutional in the fact that it gives an executive officer the power to dispose of the estate which is the property of a deceased Indian and to adjudicate that some woman or child is entitled to the property, without judgment of a court. An estate can not be administered by an executive officer. A probate court, or a court, must dispose of property; and the judgment or opinion of the Secretary of the Interior that this child is illegitimate and that child is legitimate, and for him to adjudicate to that effect, is not within the power of the executive department of the United States. I ask that this brief be printed in the hearings.

The CHAIRMAN. The brief will be accepted, and without objection it will be printed in the hearings. Thank you, Colonel.

The hearing on this bill will stand adjourned until the regular meeting time to-morrow.

(The brief submitted by Mr. Wise is as follows:)

THE PROVISIONS OF H. R. 7826, SIXTY-NINTH CONGRESS, FIRST SESSION, UNCONSTITUTIONAL

STATEMENT

According to the information available, House bill No. 7826, Sixty-ninth Congress, first session, was drafted in the Department of the Interior and introduced by the Hon. Scott Leavitt upon the unqualified recommendation of the Secretary of the Interior with the indorsement of the Commissioner of Indian Affairs.

A similar bill was concurrently introduced in the Senate by the Hon. John W. Harreld.

In order to disclose the unconstitutionality of the proposed law and the nature of legislation that is being proposed by the guardian Government with respect to the Indian citizen wards of the Nation, this brief is filed with the Committees on Indian Affairs of both Houses of Congress with the request that the same be printed in the hearings on House bill 7826, Sixty-ninth Congress, first session.

NATIONAL COUNCIL OF AMERICAN INDIANS,
GERTRUDE BONNIN, *President.*

I. THE PROVISIONS AND SCOPE OF HOUSE BILL 7826, SIXTY-NINTH CONGRESS, FIRST SESSION

Paragraph 1 of the bill provides as follows:

"That hereafter the civil and criminal laws of the United States shall apply to Indians, and the United States district and circuit courts shall have jurisdiction of crimes and misdemeanors or other violations of Federal statutes committed within Indian reservations by or against Indians."

To these provisions there can be no valid objections. In effect they merely give to the regularly constituted courts of the United States exclusive jurisdiction upon three concurrent conditions, namely:

1. If the offense is crime or misdemeanor at Federal law, or if it violates a Federal statute.
2. If it is committed on an Indian reservation.
3. If it is committed by or against an Indian.

The exclusive jurisdiction here conferred on the district and circuit courts derives from no less than three Federal sources: (1) A Federal offense; (2) Federal territory; (3) The Indian who is a Federal ward.

It is to be observed, too, that section 1 does not attempt to give the Federal courts exclusive jurisdiction over all offenses committed on a reservation. It must be one violative of a Federal statute and either perpetrated by an Indian or by some one else against an Indian.

Inasmuch as an offense on a Federal reservation by an Indian, or by some one against an Indian, that is not violative of a Federal statute, does not fall within the jurisdiction conferred, the necessity of the section is not apparent since the United States courts already had jurisdiction of offenses violative of the Federal law. The section does serve, however, to dispose of the reactionary contention sometimes put forward that the guarantees of the Constitution are not applicable to the Indians for it expressly declares that "hereafter the civil and criminal laws of the United States shall apply to Indians."

We now come to section 2, which is as follows:

"The reservation courts of Indian offenses shall have jurisdiction, under rules and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations, for which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment or labor, or a fine of $100, or both."

Before the foregoing section can be analyzed it is necessary to determine the nature of the "reservation courts of Indian offenses" referred to therein.

Authority for these courts is found in several statutes, which are as follows:

"SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and all matters arising out of Indian relations." (R. S.; act of July 9, 1832, ch. 174, 4 Stat. L. 564; act of July 27, 1868, ch. 259, 15 Stat. L. 228.)

"SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs." (R. S.; act of June 30, 1834, ch. 162, 4 Stat. L. 738.)

"SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law, and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs." (R. S.; act of June 30, 1834, ch. 4 Stat. L. 736; act of June 5, 1850, ch. 16, 9 Stat. L. 736; act of Feb. 27, 1851, ch. 14, 9 Stat. L. 587.)

It has been held that under the general power conferred by revised statutes, section 465, where a tribe engaged to submit to rules prescribed by the United States for their government, the President is authorized to establish an Indian court and police force for the tribe, and define and prescribe the punishment for Indian offenses, and that such power may be exercised through the Secretary of the Interior, who is charged with the supervision of the public business relating to the Indians. (See United States *v.* Clapox (1888), 35 Fed. 577.)

Accordingly, at times so-called courts of Indian offenses have been created on Indian reservations as instrumentalities for regulating and controlling the conduct of the Indian occupants. At present there appear to be about eighty judges who preside over such courts who are selected by the Commissioner of Indian Affairs, or appointed upon his authority, and whose qualifications are measurable by the compensation allowed them by the Indian Office—$10 a month.

Although these ill-trained judges with the sanction of the Indian Office assume to pass on Indian offenses, their authority to do so is unclear in all cases, since it is not within the executive discretion to administer corrective punishment to members of a tribe by means of such courts in the absence of a treaty covenanting that such control may be exercised, or where a treaty covenants that "bad Indians" shall only be punished by the United States in accordance with laws defining offences and prescribing the punishments therefor. (See In re By-A-Lil-Le (1909) 12 Ariz. 150, 100 Pac. 450.) Nor can it be said that such courts even when authorized are judicial tribunals which Congress was empowered by Article III, section 1, of the Constitution, to create. At most they are but administrative instrumentalities by means of which the Guardian Government by agreement endeavors to exert an educational and disciplinary control over the Indian wards of the Nation who, by Article I, section 8 of the Constitution, have been exclusively entrusted to its tutelage.

It is, then, upon such purely administrative tribunals to the jurisdiction of which Indians are legally subject only by virtue of a voluntary agreement on their part, that it is proposed by section 2 hereinbefore quoted, to confer "jurisdiction * * * over offenses committeed by Indians on Indian reservations, for which no punishment is provided by Federal law."

Moreover, these courts are to have power to imprison an offender for six months, sentence him to labor for six months, or fine him $100, "or both." and its processes are to be prescribed and regulated not by Congress, but by an executive officer—the Secretary of the Interior.

A statute must be strictly interpreted. Where there is no ambiguity in the language it contains it is not subject to interpretation by construction with reference to the intent of its framers. It can be interpreted, whatever the intent of the framers, only in accordance with the plain import of the language employed therein. These are rules which require no citation of authority in their support.

The language quoted includes all offenses for which there is no punishment prescribed by Federal law; those offenses against Federal laws which prescribe no punishment for their violation, and those against any State law as well, so long as they are committed by an Indian on an Indian reservation.

The question is, would such a law be constitutional?

II. SECTION 2 OF THE PROPOSED LAW VIOLATES ARTICLE III OF THE CONSTITUTION

Article III, section 1, of the Constitution is as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. * * *"

It has been shown that the courts of Indian offenses as presently constituted are not judicial, but are mere administrative tribunals. (U. S. *v.* Clapox (1888), 35 Fed. 577.)

Nor can Congress confer upon them as such any primitive powers over Indians without the voluntary submission of the Indians to their jurisdiction. (In re By-L-Lil-Le (1909), 12 Ariz. 150, 100 Pac. 450; U. S. *v.* Wong Dep Ken (1893), 57 Fed. 207; in re Ah Yuk (1893), 53 Fed. 781; Choy Gum *v.* Backus (1915), 223 Fed. 487.)

The instant, therefore, that Congress confers upon these courts authority to assume jurisdiction over Indian offenses without the consent of the Indians, they necessarily become judicial tribunals by the act creating their jurisdiction, since Congress can not vest any portion of the judicial power of the United States except in courts ordained and established by itself. (Martin *v.* Hunter (1816), 1 Wheat. 330, 4 U. S. (L. ed.) 97, reversing Hunter *v.* Martin (1814), 4 Munf. (Va.) 1.

Considered alone section 1 of Article III might be interpreted to vest in Congress the power to create such inferior courts as it might see fit, without restraint or limitation. That section, however, must be construed in connection with section 2.

Section 2 of Article III provides as follows:

"The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens, or subjects."

In view of the foregoing very definite delimitation of the judicial power of the United States, section 1 of Article III has been construed to mean that the courts which Congress is empowered thereby to create must derive their jurisdiction and judicial authority from the Constitution or the laws of the United States. (Jecker *v.* Montgomery (1851), 13 How. 515, 14 U. S. (L. ed.) 240; Mitchell *v.* Great Works Milling, etc., Co. (1843), 2 Story (U. S.) 648.)

Therefore, since the primary source of jurisdiction in the Federal courts is found in the Constitution, and not in Congress, although jurisdiction may be conferred through the medium of Congress by grants thereof upon inferior courts, it may only be conferred with such limitations and exceptions as the Constitution imposes. (Bankers Trust Co. *v.* Texas, etc. R. Co. (1916), 241 U. S. 295; Ex p. Wisner (1906) 203 U. S. 449; Kentucky *v.* Powers (1906), 201 U. S. 24; U. S. *v.* Eckford (1867), 6 Wall. 488; Manley *v.* Olney (1887), 32 Fed. 709.)

And no act of Congress can extend the jurisdiction of a court created by it beyond the limits of the Constitution. (Hodgson *v.* Bowerbank (1809), 5 Cranch. 303, 3 U. S. (L. ed.) 108; State *v.* Davis (1879), 12 S. C. 536.)

It must be plain, therefore, that Congress can not create a court to exercise jurisdiction in matters to which the judicial power of the United States does not extend, and that power does not extend to offenses that are not "cases, in law or equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

Offenses against the law of the United States for which no punishment is provided by Federal law are within the limits imposed upon Federal jurisdiction. Offenses which are not violative of the law of the United States, and for which no punishment is provided by Federal law, are not within the constitutional jurisdiction of Federal courts and Congress is without power to create a court to deal with them.

III. SECTION 2 OF THE PROPOSED LAW VIOLATES PARAGRAPH 3, SECTION 2, ARTICLE III, OF THE CONSTITUTION

Paragraph 3, section 2, Article III, of the Constitution is as follows:

"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may be law have directed."

It has been shown that Congress alone may create inferior courts to try Federal cases in law and equity, which include crimes, and that Congress can not vest any portion of the judicial power of the United States except in courts ordained and established by itself. (Martin *v.* Hunter (1816), 1 Wheat. 330.) Moreover, in order to give jurisdiction to a Federal court in any case whatever, the Constitution and the statute law must concur. (U. S. *v.* Burlington, etc. Ferry Co., (1884), 21 Fed. 334.)

Section 2 of the proposed law gives the reservation courts of Indian offenses jurisdiction over all offenses, whether crimes or not, if no punishment is provided therefor by the Federal law, so long as they are committed on an Indian reservation by or against an Indian. These reservation courts of Indian offenses consist merely of a judge appointed upon the authority of the Secretary of the Interior, and trials by these courts are not by jury, nor does Section 2 of the proposed law prescribe that they shall be. On the contrary, it leaves their organization and processes to be prescribed by the Secretary of the Interior.

Such a provision does not satisfy paragraph 3, section 2, Article III, of the Constitution, which requires that all crimes be tried by a jury. Construed in connection with paragraphs 1 and 2 of section 3 of Article III, plainly the jury contemplated is that of a regularly constituted judicial tribunal, and the crimes are crimes under Federal law.

IV. SECTION 2 OF THE PROPOSED LAW VIOLATES THE FIFTH AMENDMENT TO THE CONSTITUTION

The fifth amendment to the Constitution is as follows:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

An infamous crime within the meaning of the fifth amendment is an offense for the commission of which the accused may be imprisoned in a State prison or penitentiary. (Parkinson *v.* U. S. (1887), 121 U. S. 281; U. S. *v.* Brady (D. C. 1881), 3 Crim. L. Mag. 69.)

No declaration of Congress that a crime is infamous is necessary to make it such in the eyes of the law, and the lack of such a declaration can not defeat the constitutional safeguard of the fifth amendment.

A crime which is punishable by imprisonment in a prison or penitentiary is an infamous crime, whether the accused is or its not sentenced or put to hard labor; and, in determining whether the crime is infamous, the question is whether it is one for which the statute authorizes the court to award an infamous punishment, and not whether the punishment ultimately awarded is an infamous one. (Mackin *v.* U. S., (1886), 117 U. S. 351; in re Claasen (1891), 140 U. S. 205; U. S. v. Wynn (1882), 9 Fed. 894; U. S. v. Block (1877), 4 Sawy. (U. S.), 211; U. S. v. Maxwell, (1875), 3 Dill (U. S.) 375; Ex. p. McClusky (1889), 40 Fed. 73.)

Section 2 of the proposed law provides that in the case of "offenses committed by Indians on Indian reservations, for which no punishment is provided by Federal law," the sentence of the reservation courts of Indian offenses may "not exceed six months' imprisonment, or labor, or a fine of $100, or both." Not only may these courts, as shown, exercise jurisdiction over an offense which may be an infamous crime under the State law, though not a crime under the Federal law, but they are given the power to sentence the accused to imprisonment for 6 months, which has been shown to be an infamous punishment. And this without the presentment or indictment of a grand jury but in accordance with such procedure as the Secretary of the Interior may prescribe.

It is true that the Indians are wards of the Nation and that national citizenship has not set aside the guardianship of the United States. (U. S. v.

Kagama, 118 U. S. 375; Lone Wolf *v.* Hitchcock, 187 U. S. 553; Tiger *v.* West. Invest. Co. 221 U. S. 286; U. S. *v.* Nice (1915), 241 U. S. 591; Winton *v.* Amos (1923), 255 U. S. 373.)

But this does not mean that the guaranties of the Constitution do not apply to Indians. In the Kansas Indians (1866, 5 Wall. 755), even before the Indians were citizens, the Supreme Court expressly declared that although the Indians may have outlived many things, including their traditional relations, they have not outlived the protection afforded them by the Constitution, the laws, and treaties of the United States. It will hardly be argued that a provision of the Constitution that protects alien visitors does not protect resident citizens of the United States.

But that which would seem to be conclusive of the unconstitutionality of the proposed law is the decision in U. S. *v.* Wong Dep Ken (1893, 57 Fed. 207). In that case the court held that section 4 of the act of May 5, 1892, known as the Geary Act, providing for the imprisonment at hard labor for a period not exceeding one year of any Chinese, or person of Chinese descent, convicted and adjudged by the Commissioner of Immigration to be not lawfully entitled to be or remain in the United States, was clearly in conflict with the fifth amendment. (See also In re Ah Yuk (1893), 53 Fed. 781; Choy Gum *v.* Backus (1915), 223 Fed. 487.)

V. SECTION 4 OF THE PROPOSED LAW VIOLATES SECTION 2, ARTICLE III, OF THE CONSTITUTION

Section 4 of the proposed law empowers the Secretary of the Interior, in his discretion, to dispose of property which he holds in trust for an Indian in order to make provision for the mother of the illegitimate children of such Indian.

The liability of an Indian for the support of a woman by whom he has illegitimate children, and whether or not the children are illegitimate and his children, are matters that he has a right under the Constitution to have judicially determined, since the judicial power of the United States extends to all cases in law and equity arising under the laws of the United States. Congress can not withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity. (Murray *v.* Hoboken Land, etc. Co. (1855), 18 How. 275; 15 U. S. (L. ed.) 372.)

While Congress may by law impose duties upon executive and ministerial officers of the Government, which require them to consider, and determine questions of law and fact, such officers in doing so do not exercise judicial power within the meaning of the Constitution. (State *v.* Sullivan (1892), 50 Fed. 599.)

It is plain, therefore, that the power which section 4 of the proposed law confers on the Secretary of the Interior with respect to Indian property in his hands is one which he may not constitutionally exercise.

VI. CONCLUSION

It is submitted that the tribunal which the proposed law seeks to create is one for which there is no sanction under the Constitution of the United States. This is fortunate since it would be a sad commentary upon American liberty if it were within the power of executive agencies to imprison citizens without a trial by jury.

An exhaustive search of the Law of Nations pertaining to the various existing systems of government of aborigines fails to disclose but one modern example of such a tribunal as that now proposed by the Government of the United States. Such a tribunal seems still to exist in French African Congo. See also the Question of Aborigines in the Law of Nations, Snow, (Putnam), 1921, being a special report to the Department of State.

JENNINGS C. WISE,
Counsel for the National Council of American Indians.

(Thereupon, at 11.20 o'clock a. m., the committee adjourned until to-morrow, Thursday, April 1, 1926, at 10.30 o'clock a. m.)

(Not printed at Government expense)

Treatment of Indians

SPEECH

OF

HON. ELMER THOMAS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

February 13 1931

Mr. President, we are making some progress. I exhibit a book which has been published since the debate on this question started in the present Congress. The book quotes from some of the speeches made upon this floor, and is a summary and criticism and résumé of the activities to date of the subcommittee of the Committee on Indian Affairs which has engaged in making a survey of Indian problems and conditions throughout the Nation. The book was prepared by Robert Gessner, and its title is "Massacre." Mr. President, what an appropriate title!

The Indians are not only wards, they are citizens. Legally they are entitled to do anything and everything that any other citizen can do. Here I have a book of some 418 pages which gives a synopsis of the testimony taken to date relative to the Indian problem. Massacre! An appropriate title! The process under which our Indian population is being massacred is not a quick one. Many humanitarians have said that if the Government years ago should have destroyed every Indian citizen such Indians would have been better off. As it is they have been allowed to live. They were started west 100 years ago and more; they are still "going west," Mr. President. For many of them "the rainbow has been reached," and under the present policy of this Government those now alive will not live for long. Starvation and want stare them in the face.

Oh, there may be some Indians who have money. If they have I am glad of it, but they are few. Some few Indians have lands upon which oil has been discovered and have fortunes as some people regard fortunes, but where one Indian has a little money we find thousands and tens of thousands of Indians who have nothing.

The Indian race is not a rich race; it is a poor race; it is a race not qualified, not competent, to cope with the civilization of the strongest and the richest nation on the earth. If the policy now in vogue is continued when the Indians' lands are gone and their money is spent and they become unrestricted and they are set adrift, they can get no help

44209—7264

from the Government; they must then wander and drift and die.

I have exhibited to you the book called "Massacre." I now exhibit to the Senate a 1-column news story printed in the New York World of Monday, February 9. This news story is in relation to the book that I hold in my hand. This book is the result of the activity of the Senate through its Indian Affairs Committee. This news story is a summary or criticism of the book. Even the book is of benefit. The news story is of benefit; and I now call attention to one or two paragraphs from this story.

The headlines are as follows:

Corruption seen in Indian funds. Sweeping charges made by Robert Gessner in new book. Attacks bureau chiefs. Exhaustion of tribal money in 20 years predicted.

I will place the entire article in the RECORD, Mr. President; and I now read one or two extracts therefrom. I am reading from the New York World news story:

The record of Charles J. Rhoads, appointed in 1929 as Commissioner of Indian Affairs after the forced resignation of Commissioner Burke and Assistant Commissioner E. B. Meritt, "is actually below that of Burke," he charges.

The book charges that while "approximately $30,000,000 of reimbursable charges have been heaped on the back of Indians unconstitutionally"—

Further:

Indians in the Northwest—

That is in the Senator's country—

Indians in the Northwest have been forced to subsist on horse meat gathered from city dumps.

I do not charge that to Utah. I do not know just what States "the Northwest" means in this article.

Reading further, Mr. President:

At the Indian Bureau's present speed of mismanagement, the Indians of America will be penniless by 1951.

In 20 years the wards of this rich Government will be landless and penniless; and yet here it is insisted that this policy, making it inevitable that they shall become landless and penniless, shall be pursued.

I send the article to the desk, Mr. President, to be inserted at the point indicated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York World of Monday, February 9, 1931]

CORRUPTION SEEN IN INDIAN FUNDS—SWEEPING CHARGES MADE BY ROBERT GESSNER IN NEW BOOK—ATTACKS BUREAU CHIEFS—EXHAUSTION OF TRIBAL MONEY IN 20 YEARS PREDICTED

Sweeping charges of corruption and inefficiency in the Indian Bureau under the reform appointees of President Hoover, with starvation and an ever-increasing death rate among the American

Indians as a result, are made by Robert Gessner, young graduate of Michigan University, in his book Massacre, published to-day after three years' investigation of conditions in the Indian reservations.

The record of Charles J. Rhoads, appointed in 1929 as Commissioner of Indian Affairs after the forced resignation of Commissioner Burke and Assistant Commissioner E. B. Meritt, "is actually below that of Burke," he charges.

The book charges that while "approximately $30,000,000 of reimbursable charges have been heaped on the back of Indians unconstitutionally" for bridge and road building for the benefit of tourists and irrigation schemes designed for white men, Indians in the Northwest have been forced to subsist on horse meat gathered from city dumps. The average Indian income, says the book, even among the wealthy oil-owning Osages, has decreased from $13,200 to $1,540 a year, and the Indian death rate triples the rate of the general population.

INDIAN ESTATE SHRINKING

"At the Indian Bureau's present speed of mismanagement, the Indians of America will be penniless by 1951," Mr. Gessner writes, estimating that the Indian estate is shrinking at a rate of 4 per cent a year.

Citing instances of brutality in Indian schools, illegal leases of Indian lands, peonage, and broken governmental pledges taken from the records of the Indian Bureau, unofficial and official investigating agencies and testimony before the Frazier committee of the Senate, due to report within the next few months, Mr. Gessner asserts:

"The United States Government has done far more for negroes in 60 years, for Filipinos and Hawaiians in 30 years than has been done for Indians in a century and a half.

"When President Hoover appointed Charles J. Rhoads and J. Henry Scattergood, Philadelphia Quakers and humanitarians, Commissioners of Indian Affairs," he writes, "it looked like the coming of day for the Indians. The past year and a half, however, has proven these appointments to be a false dawn. The 'reform administrators' have not reformed the Indian Bureau. Instead of attacking the deeper administrative problems, instead of attempting to relieve and emancipate the Indian, they became puppets under the control of the bureau chiefs who are holdovers from the infamous régime of Albert Fall."

WILBUR'S PLAN DISCARDED

"Rhoads and Scattergood have completely discarded Secretary Wilbur's plan for reorganizing the bureau's irrigation and reclamation service; in their contrariness to the reports of engineers and other experts they have plunged into a renewed extravagant and, to some extent, unproductive spending."

The Indian Bureau, Mr. Gessner charges, has maintained a propaganda service as a "smoke screen to cover its own incompetency" with the "wealthy" Osage Indians, and the statement of former Commissioner E. B. Meritt that the per capita wealth of the Indian is $4,700 as its most effective arguments.

Sixteen tribes, he points out, have per capita annual incomes of less than $100, and of the 65 jurisdictions under the control of the Indian Bureau, only 2 are found by the scientific investigators of the institute (for Government research) to have per capita incomes of $500.

"It must be remembered," he goes on, "that not one dollar of a restricted Osage was or can be spent except under the supervision of the bureau. An Osage could not buy a $7,500 limousine or build a $50,000 mansion unless the Indian Bureau superintendent and his subordinates sanctioned the expenditure. A garage proprietor could not receive a $12,000 check for automobile repairs unless his bill was O. K.'d by an Indian Bureau official.

EXTRAVAGANTLY INSURED

"Nor is it credible that whole families of white professional guardians would be appointed to disburse moneys unless their commissions were satisfactorily split. Nor can the Indian Bureau be absolved of responsibility when Indians have been extravagantly insured, their insurance deeded to whites, and then found a few months later with bullets in their heads."

Commissioner Rhoads, he asserts, has authorized "emergency measures" by superintendents, thus reinstating corporal punishment forbidden by Commissioner Burke in 1929.

"The Indian death rate," he adds, "according to the United States census, has increased 62 per cent from 1921 to 1925, the last year in which the Census Bureau computed mortality percentages. Since that year a comparative census has been verily stifled. Reservations are fast becoming cesspools of disease to infect neighboring communities and tourists. Indians are rapidly becoming germ carriers, wandering about freely like flies."

* * * * * * *

Mr. President, I send to the desk and ask to have read a short table, which shows the rate of decrease of the wealth of some of the Indian tribes of this Republic.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From A Survey of To-day's American Indian, by Robert Gessner]

(Page 75)

The following short table, the figures of which have been taken from the property values of the Indian Commissioner's report, proves that the increasing total wealth of the American Indian is a myth:

Agency	1922	1926	Decrease
			Per cent
Fort Apache	$12,894,485	$6,903,592	46
Western Navajo	2,808,791	331,070	88
Yakima	18,252,463	9,281,122	48
Turtle Mountain	3,585,731	1,401,343	60
Yankton	4,552,144	2,666,990	41
Flathead	10,605,406	6,326,413	30

Mr. THOMAS of Oklahoma. Mr. President, it is not pleasant to have to make this kind of a speech. It is most unpleasant. I dislike to have to criticize a great bureau of the Government; but if it must be done, the sooner the better.

I tried to work with the bureau. I tried to support them. I tried to defend them. I did the best I could; but when the time came that they would not extricate themselves from the groove they were in I could not follow any longer. I am not following now, Mr. President. So long as I am here, unless the policy is changed, we will hear considerable about the Indian problem.

* * * * * * *

Let me read from the report of the subcommittee of the Senate Committee on Indian Affairs, now making a survey of the Indian problems throughout the United States. This book is called "Massacre." The book is bound in red, emblematic, I presume, of the red man. It would have to be emblematic of his skin; it could not be emblematic of his blood. His blood is not that red to-day in far too many cases. I read from page 69:

Out of the 65 jurisdictions completely under the control of the Indan Bureau only two are found by the scientific investigators of the institute to have per capita annual incomes of more than $500. They are the Osages of Oklahoma and the Klamaths of Oregon.

Let us briefly look at the supposed wealth of the Oklahoma Indians. This stronghold of Indian Bureau propaganda is being definitely blasted in the current hearings of the Senate investigating committee. There are approximately 150,000 Indians in Oklahome, of which only 3,000 are Osages. The Senate committee has discovered thousands suffering in dire poverty; the Chickasaw, Choctaw, Cherokee, Creek, and Seminole Tribes have been found to be "broke." Of the much-advertised Osages, they are rapidly approaching the state in which they lived before oil was miraculously discovered on their arid soil; they are once more facing want. The revenue-producing capital was once above a quarter of a billion; it has since dwindled two hundred and nine millions, leaving an estimated total of only thirty millions.

The records I quoted a moment ago were from another authority. They differ to the extent of $10,000,000.

Where annual incomes were once $13,200 they have now shrunk to a bare $1,540. The average monthly income of an Osage to-day is $125. "They are now riding in Fords," Senator W. B. PINE of Oklahoma told me, "and dilapidated ones at that."

What happened to $209,000,000 of the principal, not to mention the interest? By what means was one of the wealthiest groups in America stripped of wealth? This sensational squandering was accomplished solely through the Indian Bureau. It must be remembered that not $1 of a restricted Osage was or can be spent except under the supervision of the bureau. An Osage could not buy a $7,500 limousine or build a $50,000 mansion unless the Indian Bureau superintendent and his subordinates sanctioned the expenditure. A garage proprietor could not receive a $12,000 check for automobile repairs unless his bill was O. K.'d by an Indian Bureau official. Nor could an undertaker for an $1,800 funeral, or for a $1,400 monument. A physician could not be made a health consultant of an Indian he has never seen nor has any intention of seeing, at a lordly salary, unless he was persona grata with the agency staff. Nor could numerous probate attorneys, supervising probate attorneys, clerks, fee clerks, and hundreds of bloodsuckers be listed on the pay roll dispensed from the Osage tribal fund, unless the Indians' protector saw fit to put them there. Nor is it credible that whole families of white professional guardians would be appointed to disburse moneys unless their commissions were satisfactorily split. Nor can the Indian Bureau be absolved of all knowledge and responsibility when Indians have been extravagantly insured, their insurance deeded to whites, and then found a few months later with bullets in their heads.

WHERE IS THE REMEDY?

Mr. President, I made the statement a moment ago that the death rate among the Indians throughout the entire United States was increasing. If that is true, it is an alarming statement; it is a distressing situation. If that is true, it is an indictment of the Indian Bureau. Is is more than that, it is an indictment of the Congress of the United States. Here we are in the Senate, a coördinate branch of the Congress, with the membership tied and helpless, if we are to believe the reports of the distinguished Senator having the conference report in charge.

* * * * * * *

Mr. President, I am not speaking to the Senate; I am only asking that those who are here will do me the courtesy to maintain a respectful quietude. The hearts of the policy-making bureaucrats in the Indian Office have not been touched. I do not know of what tissue their hearts are made. They must be devoid of the milk of human kindness. For a hundred years the prayer of these simple people has been that they might go their way and have reasonable consideration at the hands of the Government, but their prayers have not been answered, and while I fear that my voice, humble as it is, will fall on deaf ears, I can not refrain from exercising it.

Mr. President, there is one place to which we can appeal if the Congress fails to respond, and that is to the women of the country. Already they have been appealed to. The National Federation of Women's Clubs is a nation-wide organization. The National Federation of Women's Clubs has a special committee which tries to look after the Indians of the country, to understand their problems and to make some report. This organization is soon to have a meeting in one of the far southwestern States. Already the chairman of the welfare division of that great national organization is in the West making a survey for herself, so that in April, when the National Federation of Women's Clubs meets in that far southwestern country, a report may be made. In frankness let me say that I am making the record for that organization. I have failed here perhaps, but this problem will be reopened and we will hear much more about it.

Let me quote again from the book to which I have just referred. On page 236, Maj. Gen. Hugh L. Scott, formerly Chief of Staff of the War Department, referring to the condition among the Indians, is quoted. General Scott for many years served among the Indians. Perhaps of all of our citizens now living, General Scott is the best posted and has the most information about all of the Indians living and dead. He understands the sign language. While he can not converse with them in words, he can talk with any

Indian by means of the sign language. He is their friend. Here is what General Scott said:

It is inconceivable to me that Congress would allow such conditions to continue if the facts were fully impressed upon it.

Some may wonder why I have occupied so much time of the Senate. On three former days I occupied eight hours. I have occupied four hours to-day, not because I wanted to do so but because I see no other chance, save through publicity, for any substantial relief for these people for whom, in my feeble way, I now presume to speak.

Review of Massacre

Tuesday, February 17, 1931

[From the Washington Daily News, Thursday, February 12, 1931]

INHUMAN TREATMENT OF INDIANS RELATED IN BOOK "MASSACRE"—TRIBES LIVE ON REFUSE WHILE MILLIONS GO FOR USELESS IRRIGATION WORK, WRITER CHARGES

(By Max Stern)

Some three years ago Robert Gessner, ethnologist, set out in his auto from the campus shades of Ann Arbor to study the American Indian tribes and capture for posterity records of their vanishing folk ways.

He came back last year aflame with indignation at what he had seen and heard in those rural slums of the West, the Indian reservations. Instead of a book on folklore he wrote Massacre.

Since Helen Hunt Jackson penned her Century of Dishonor 50 years ago no such arraignment has been lodged against the United States Government and its Indian Bureau. Massacre is creating a stir on Capitol Hill not only because of its array of humiliating facts but because it includes in its indictment the much-heralded reform Indian administration, headed by Commissioner Charles J. Rhodes and his assistant, J. Henry Scattergood.

LITTLE REFORM

Although drafted by President Hoover to clean up the sordid mess left by the Fall-Burke-Meritt régime and its precursors, the two Philadelphia Quaker humanitarians, according to Gessner, are fast sinking into the beaureaucratic mire and have done little to reform the Indian Bureau in its weak spot, personnel.

Dedicated to "The first Congress that will eradicate what Lincoln 70 years ago called 'an accursed system.'" Massacre piles horror upon horror. Gessner seeks to humanize his facts by word pictures. We see the son of proud Sitting Bull, blind and ragged, eating dried entrails of a horse dead of disease in a wind-swept tent on the South Dakota Bad Lands, whither the Sioux had been driven by Custer.

Montana Indians, infected with diseases and dying fifteen times faster than their white brothers, are found living from refuse in city dumps, while their guardians spend a million dollars of tribal money for useless irrigation works. Mississippi Indians are bought and sold as slaves at $600 apiece.

California Indians are found to have been driven to barren hilltops, and in 70 years their numbers reduced by disease and starvation from 100,000 to 17,300.

Among the 25,000 children in Indian schools mass flogging is discovered, children are chained to their beds and forced to drag a ball and chain from tiny ankles; one boy is beaten to death; girls are thrown into foul dungeons; children are made to haul

plows in fields, are fed on from 9 cents to 12 cents a meal, 80 per cent less than soldiers. Babies are born in filth as Indian Bureau doctors refuse to attend.

DIE OF TUBERCULOSIS

Indians, dying three times faster than whites from tuberculosis, underfeeding, social diseases, and other maladies, have been decimated from 918,000 to 162,602 full bloods. Indian wealth is dissipated and seized by whites; the famed Osages robbed of their oil. Klamaths of their land and water; Flatheads of their power; Menominees of their timber; each a separate story of neglect, mismanagement, loot.

Massacre, its publishers suggest, is the Uncle Tom's Cabin of the American red man. The facts are there, however nailed down with documents. And the book presents a challenge that American lovers of justice and beauty can not ignore.

Commissioner Rhodes declined to comment upon the book.

44209—7264

U. S. GOVERNMENT PRINTING OFFICE: 1934

Plain Talk
August 1928

Indian Bureau Brutality

By HON. JAMES A. FREAR
Representative in Congress from Wisconsin

The trouble, it seems, was originally that the Indians of North America had no deeds, abstracts, mortgages, liens, contracts, leases, lawsuits, along with their lands. They could not conceive of such a plenitude of area having any value. So we taught them a lesson. We pushed them into deserts, sagebrush and such, making a mistake ourselves, however, in giving them title to the property, some little parts of which turned out to be very valuable. We are now rectifying this error by keeping charge of the funds, leasing the land without the Indians' consent, separating parents and children, letting them die of disease and starvation.

COMPARATIVELY few persons realize that today, under the certain maladministration of the Indian Bureau, the majority of the surviving Indians are being appallingly treated. In no other civilized country in the world is an intelligent, well-behaved people kept in such complete subjugation of person and property as are some 225,000 Indians in the United States under a disgraceful, departmental despotism which deliberately degrades them to a state of virtual peonage.

Tens of thousands of these Indians are well educated and highly intelligent. During the World War, thousands of Indians voluntarily enlisted in the army and fought side by side with their white brothers. Because of this, Congress gave to all Indians full citizenship.

Under the *law,* then, Indians are entitled to every right guaranteed by the Constitution but, under the arbitrary decrees of the Indian Bureau, no less than 225,000 Indians are declared "incompetent" and are denied both possession of their property and enjoyment of those fundamental, civil liberties established by the Bill of Rights.

Indeed, the Indian Bureau holds itself above the law and, in the disposition of property belonging to "incompetent" Indians, considers that its acts are not reviewable by the courts. This arbitrary stand makes it impossible for the 225,000 "incompetent" Indians to prevent the wholesale wasting of their property. More than $90,000,000 in cash and securities and more than $1,600,000,000, in land and personal property belonging to Indians, are under the exclusive control of the Indian Bureau, while the owners of the property are denied any voice in its disposal and often refused any share of the proceeds. As an inevitable consequence, the property of Indians has literally been looted to the extent of millions of dollars, as I shall prove in detail later in this article.

When 4,000,000 Negro slaves were emancipated, this government did not think it necessary to hold them under its supervision. The Negro was given full property rights and has exercised these rights for more than sixty years. He began at once to accumulate property, to act on his own behalf and soon

became a self-sustaining, self-respecting citizen.

Not so the American Indian. After nearly a century of bureaucratic "guardianship", the American Indian has lost at least one-half of his numbers by disease and neglect, and the individual Indian is prevented from using his own property whenever the local Indian agent objects to his "competency". Filipinos, Hawaiians, Porto Ricans, Virgin Islanders—persons of every race under the American flag—are allowed to control and dispose of their own property, but 225,000 American Indians are treated as though they were lunatics and not allowed to manage their own affairs.

◇◇◇

Lands allotted to Indians can be leased by the bureau without consent of the Indian owners. These lands can be secretly leased, sometimes without compensation except for the supposed benefit resulting from the white man's use of the land.

The land of a dead Indian allottee can be sold by the Indian Bureau without consent of the heirs. This is customarily done.

The will of an allotted Indian has no validity until approved by the Indian Bureau, and the bureau can destroy the will without court review.

The Indian Bureau determines the heirs of an allottee and there can be no court review.

The allotted Indian cannot sell his property without consent of the Indian Bureau—which is seldom given.

The allotted Indians' contracts or leases are void until approved by the Indian Bureau.

The allotted Indian's funds are held by the Indian Bureau and can be disposed of by the bureau without consulting the Indian or getting the consent of Congress, except where special laws direct that cash payments be made.

The allotted Indian cannot compel the Indian Bureau, his official guardian, to give him an accounting of his property.

The allotted Indian cannot be declared competent or able to care for his property without the express approval of the Indian Bureau.

The Indian tribe cannot hire lawyers to represent its interests without the approval of the Indian Bureau.

Indian tribal funds cannot be expended without the approval of Congress; but when appropriations for bridges, roads, irrigation systems and other costly improvements, designed to benefit white settlers instead of Indians, are recommended by the Indian Bureau and passed by Congress with little or no investigation, this provision is of scant protection to the Indian. Later in this article I shall furnish evidence that tribal funds, amounting to millions of dollars, have been appropriated primarily for the benefit of white settlers and tourists.

The fact that no court is allowed to review any of the above cases, except in a partial way in Oklahoma, and that the Indian and his property are under exclusive Indian Bureau control, even to the determination of his "competency", certainly bears out the opening statement that today 225,000 American Indians are degraded to a state of virtual peonage.

◇◇◇

Many individual charges of injustice in dealing with property rights are brought against the Indian Bureau. Perhaps the most notorious in recent years was the case of Jackson Barnett, an old, feeble-minded, Oklahoman Indian who had become a millionaire overnight through discovery of oil on his property. From sworn evidence in court proceedings, it appears that a white widow

of a certain repute got Barnett drunk, took him into Kansas, married him while he was still intoxicated and then, it was charged, employed an attorney to negotiate with the Secretary of the Interior and the Indian Bureau to divide Barnett's estate of $1,100,000 equally between his wife and a Baptist mission school. The wife, according to the record, paid Harold McGuggan, her attorney, who was accused of being a prime mover in the conspiracy, $150,000, and of this amount McGuggan paid $50,000 to M. L. Mott, described as a close friend of Commissioner of Indian Affairs, Charles H. Burke. This case was so raw that the Department of Justice intervened to set aside the division of property and the Federal Court set aside the entire proceeding. Thereafter, the wife asked for guardianship proceedings for Barnett.

On the one hand, the Indian Bureau permits an old, feeble-minded Indian to give away practically all of his property, amounting to more than a million dollars. On the other hand, it prevents thousands of educated, intelligent Indians from handling their own property and even denies them the right of disposing of it by will after death.

Thousands of adult Indians live year after year in the most degrading poverty—often in a state of semi-starvation—while their tribal possessions are turned over for exploitation to corporations or individuals who make extortionate profits from the favorable leases granted by the Indian Bureau. Water power sites, timber, oil, grazing lands and other property owned by Indians are sold or leased without their consent and often the revenue derived from their own property is withheld from the Indians.

One of the most flagrant instances of diversion of resources belonging to the Indians was put over as recently as January 12, 1927. At that time Congress passed an act sponsored by the Indian Bureau which took away from the Flathead Indians of Montana one of the most valuable power sites in America despite the continuous and vigorous opposition of the Flathead Indians. The Flathead power site has been valued at $100,000,000. Originally, as urged by the Indian Bureau, no royalties were given to the Indians. Later the bureau agreed that 30 percent of the royalties from the power were to go to the Indians who had exclusive ownership of the power site. The rest was to be used to furnish power and water to white settlers. Congress finally amended the bill in the face of opposition by the Indian Bureau.

"But why should Senators and Congressmen have to come down here and be fighting to see that the Indians get what is coming to them?" Senator Burton K. Wheeler of Montana demanded of Edgar B. Merrit, Assistant Indian Commissioner, in discussing the Flathead power site at a hearing of the Senate Indian Affairs Committee on January 10, 1928. Senator Wheeler continued:

> You have a department that is supposed to be acting as guardian of the Indians, but instead of acting as guardian, you have stood silently by and seen the resources of the Indian demolished. That is what has happened on the Flathead reservation in Montana, and I challenge anybody to show me where the Indian Bureau has made a protest when the Indians were robbed out there. Every provision of the treaty that was entered into in 1855 was broken by Congress and neither Mr. Burke [Commissioner of Indian Affairs] nor yourself ever came and protested.

The Indian Bureau has disposed of allotments without consulting the owners or paying them the proceeds. In proof of this statement, numerous instances were cited by William Madison, secretary of the Society of American Indians, in his testimony before the Senate Indian Affairs Committee on February 23,

1927. Portions of Mr. Madison's testimony follow:

Thomas Hancock, a full blood Indian of Fort Peck Reservation, told me that the Indian agent had leased his children's allotments for the years 1917, 1918 and 1919. The lessee was to use only 100 acres of each allotment at a rental of $100. Instead of using only 100 acres, he used 200, or double the amount contracted for.....The total sum which he claims should have been paid him for the land used but not contracted for is $540. Of this sum he has been unable to collect anything at all.....He claims he could have made the lease at higher prices and that legally he should have been the person to look after the welfare of his children . . . He complains that by this illegal system the agent in charge makes leases favorable to those whom he wishes to help at the cost and loss to the Indians.

Circling Eagle, a full blood Indian at the Fort Peck Reservation, 68 years of age, stated to me that the agent in charge had sold his allotment of 320 acres of land. That it was sold without his consent and that he did not wish it sold. All that he received therefrom, as he told me, was that a two-room house had been built for him. He states he had been unable to learn how much his land sold for or what was the cost of the house. Nor can he learn whether there is any balance due him.....

Florence Lambert Shield, age 40 years, and her mother, aged 78 years, stated to me that some six years ago the agent in charge sold an inherited allotment belonging to them. The purchaser, Allen Jacons, was to pay the sum of $5,075. One-fifth of this sum was paid. Nothing since of which these people know. The old lady, Mrs. Edward Lambert, has nothing to live on and needs the payments. Mr. Allen Jacons has made a nice farm of his place; it is all cultivated and raises crops. He has a house upon it and seems to be prosperous..... The Indians in this case cannot do anything; they must wait the pleasure and action of the agent over them.

Frye & Company, a cattle company, has arranged with the agent in charge of the Fort Peck Reservation to use 80,000 acres of the tribal and individual lands for grazing their cattle. The Indian owners of these lands have nothing to say about it, and it seems to be the opinion of the Indians and those who know about it that it is the interest of the cattle company that is first considered.....Not only was grazing land leased to the cattle company, but much irrigated land also for which a water charge of 50 cents per acre per year is required. The cattle company paid the Indians but 15 cents per acre per annum for land, hence putting the Indians in debt 35 cents per acre or $14 per year on a 40 acre allotment..... The fence necessary for the convenience of the cattle company in saving herders is charged out of the rent belonging to the Indians.....The Indians get less than $96 a year for the grazing of one section of land.

Many other instances were cited by Mr. Madison before the Senate committee on the Fort Peck Reservation and in each case he gives names, dates, places and circumstances. Similar charges are made by Fred Hendricks, of the Klamath (Oregon) tribe, who is quoted as follows:

The Indian Bureau is supposed to care for the Indians, but instead exploits them. His timber is sold, his land leased for grazing, and his money placed to the credit of the treasury. But when the Indian applies to the Commissioner of the Indian Bureau he finds that only a small fraction of the value of his timber and grazing is credited to him.

Hendricks asserted that timber worth $17,000,000 had been cut off the Klamath Reservation and, when he asked Commissioner Burke for a statement, he was told the amount to his tribe's credit was only $243,000.

In other instances, the Indian Bureau uses tribal funds for the purpose of building bridges and roads which are used almost exclusively by white tourists. Millions of dollars of these "reimbursable charges" have been taken from the funds of tribes which were in dire need for the common necessities of life. Perhaps the most glaring, recent examples of how the Indian Bureau loots the tribal funds for the benefit of white men are the Lees Ferry "Navajo bridge" across the Colorado River and the "Pima bridge" across the Gila River on the automobile trail from Tucson to Phoenix, Arizona.

One hundred thousand dollars was charged to the tribal funds of the Navajo Indians for the Lees Ferry bridge. Secretary of the Interior Work—doubtless at the instigation of the Indian Bureau—informed Congress: "The bridge will furnish an important outlet for the Navajo Indians, facilitating their communication with the whites and assisting them in their progress to a more advanced civilization."

I have visited Lees Ferry, where the $100,000 white tourist bridge is being constructed, also the $300,000 Pima tourist bridge and have no hesitancy in affirming that the statement to Congress which Secretary Work signed—on misinformation given him by Indian Bureau officials—is false from beginning to end. *No Indian lives within 25 miles of the Navajo bridge site on the reservation side of the river and, on the opposite side of the river, the nearest settlement is nearly 80 miles distant.* There are not a dozen white settlers within thirty-five miles of the site for the proposed Navajo bridge. It is intended purely for the benefit of the white tourists who visit the Grand Canyon. Before the bridge is completed, it will be necessary to spend at least $300,000 more for approaches on the Navajo Reservation and it is proposed to charge this sum, too, against the tribal funds.

No wonder that Senator Cameron of Arizona declared the bill to be "highway robbery" and Senator Bratton of New Mexico who was familiar with the facts denounced the measure as "iniquitous".

To make this swindle worse, the Indian Bureau official report for 1923-24 admits that "there are practically 7,000 children now without school facilities on the Navajo Reservations and practically one-third of all the Navajos are suffering from trachoma." Instead of spending Navajo funds for needed health and education, the bureau approved this $100,000 and more for a tourist bridge.

The Pima bridge on the Pima Reservation was constructed at a cost of upwards of half a million dollars as part of an irrigation project costing possibly double that amount. When I visited the Southwest two years ago to investigate conditions among the Indians, late one night we came to a modern stone and concrete bridge, nearly a quarter of a mile long, which stretches across the dry bed of the Gila River. Water rarely flows in the Gila River and it is possible to ford the river bed with automobiles for 360 days in the year.

The Pima bridge is part of the direct tourist trunk line from Phoenix to Tucson and benefits no one except tourists and the business interests of these two cities. *The Indians continue to cross on the ford they have used for centuries.* For every thousand of white tourists, crossing this bridge at Pima, there is scarcely one Indian who uses it.

The Pima Indians are very poor and have great difficulty in wresting a living from the arid soil of their reservation, yet the cost of this tourist bridge is charged against their tribal funds, with the direct approval and recommendation of the Indian Bureau. When an individual Pima dies and his estate is settled, his heirs will be compelled to reimburse the government for an expensive, ornamental bridge designed solely for the convenience of white tourists.

A bridge also was built across the Rio Grande River on the San Juan and Cochiti Reservations and $40,000 was charged against the tribal funds, although *it can be proved that the crossing is used ten times as much by white settlers as by Indians.*

Another shameful instance of "highway robbery" exists on the Kaibab Reservation in northern Arizona, which I visited. The only income which the Indians have comes from the lease of their grazing lands at *one and one-half cents an acre* to white cattlemen! Notwithstanding their poverty, they were charged with the cost of constructing a tourist road through the reservation.

Many other cases could be cited involving a total of many millions of dollars of reimbursable charges against Indians in various parts of the country for bridges, roads, irrigation projects and other purposes where these developments almost exclusively have been for the white man's benefit.

In 1919, according to the report of the Indian Bureau, the "reimbursable charges" against Indian property amounted to $23,000,000, and this staggering total undoubtedly has been increased since. At that time $8,000,000 had been collected from various Indian tribes and applied on the payment of improvements about which they were not consulted. The Indian Bureau claims the imposition of reimbursable charges is "left to the discretion of the Indian Commissioner". Any system is vicious that allows an official to inflict costs upon a people without their benefit or their consent. Any committee of Congress that investigates the Indian question should, among its first duties, investigate these enormous "reimbursable charges" that constitute a first mortgage on Indian property.

◇◇◇

Two years ago, the Indian Bureau supported a bill which would have thrown open to entry 22,000,000 acres of oil lands belonging to the Indians on terms whereby the Indians were to get only a five percent royalty—instead of the usual 12½ percent—and 37 percent of this amount when received by the Indians was to go to various states as taxes while the white oil lessors were to escape without any taxation. This bill was vetoed by the President.

Secretary Fall actually ordered these Indian lands thrown open to entry and a scandal that would have dwarfed Teapot Dome was averted only when Attorney General Stone ruled that Indian lands could not be included in the general leasing act. Fall already had issued permits and one oil operator appealed to the courts. An Indian oil lands bill was later passed by Congress with the objectionable tax features stricken out.

The Indian Bureau favored the private oil interests by vigorously supporting the leasing bill as first presented. I do not believe that Commissioner Burke of the Indian Bureau had any personal interest in these leases but, if he had been acting as the paid attorney of the great oil producers who hoped to benefit, he could not have displayed more activity in urging the bill upon Congress. And Commissioner Burke did this despite the fact that he is head of the bureau which is supposed to be guardian of the Indians' welfare.

◇◇◇

Even more serious than the wrongful seizure of property belonging to our Indians is the flat denial of their constitutional rights as citizens. For some trifling infraction of arbitrary decrees laid down by the Indian agent—such as leaving a reservation without permission—Indians have been arrested, tried, convicted and sentenced for as much as six months in jail by "judges" appointed by the Indian agents. No reservation courts to try Indian offenses are authorized by law; yet some ten-dollar-a-month "judge" who may be the tool of the agent without authority denies Indians the right to be represented by an attorney, denies them the right

of trial by jury, denies them the right to be released on bail and finally denies them the right to appeal from these wholly illegal convictions. The Constitution of the United States provides that "no person shall be deprived of liberty without due process of law" and these so-called Indian courts conflict with every right guaranteed under the law.

The following telegram from John J. Blaine, now United States Senator but then Governor of Wisconsin, sent to President Coolidge on February 15, 1926, speaks for itself:

> Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau, Wisconsin, Agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to his ankle. In the same jail were incarcerated Indian women. This condition is abhorrent to dictates of decency and our vaunted civilization. This is the tyranny of dark ages and the practice of the degenerate dominates to terrorize the Indian, who needs help more than a jail. In the name of humanity I beg that that sort of thing cease.
>
> JOHN J. BLAINE
> Governor of Wisconsin.

The facts, as related in the House of Representatives on March 4, 1926, by Representative Peavey of Wisconsin, show that the Indian youth was arrested for a misdemeanor, taken 75 miles from his home to the Indian agency without legal commitment papers of any kind, "tried" by an Indian "judge" who could not read or write English and, on suggestion of the Indian agent, sentenced to six months in jail. Congressman Peavey also made the significant statement that "I have had many complaints from Indians in my district, but not of so serious a nature as the Moore case."

I have well substantiated affidavits proving that in September, 1923, Benjamin Kills Thunder, an Indian living on the Fort Peck Reservation in Montana, was sentenced to sixty days in jail and manacled with ball and chain for the heinous offense of leaving the reservation without permit to visit relatives at the Fort Totten Reservation in North Dakota. It is only fair to add, however, that the Indian youth was released before the expiration of his sentence. Space forbids the detailed description of other affidavits in my possession.

I also have in my possession a very illuminating letter from William Tahwa, an Indian residing at Soperton, Wisconsin, which in imperfect language, but plain terms, reveals another aspect of Indian Bureau brutality. The letter follows in full:

> Soperton, Wis., November 15, 1926.
> My dear Friend:
> I thought I would write to you today to inform you about what the Agency done to me he took our children away from us as I told him I want them to attend Public school. But he didn't mind me at all.
>
> So he arrested me. Put me in jail for not letting those children stay at Lac du Flambeau school [Indian school]. So he came after them again after they lock me at Jail. So he send to Lac du Flambeau Indian school so the three Boys went to Lac du Flambeau. But only stayed one night after they got over there and came back home on account of they lost there young Brother so they went out to search for him. But they find him in the morning By white women. He must been on street about 10 o'clock in night so the women took boy at her Place so there is where they find him. So they came along with him. They all walked from Lac du Flambeau there shoes all torn to pieces all there stockings torn off so when they got home they could hardly walk or get up.
>
> So I was Put in Jail for not letting those boys again. I stayed all together in Jail at Crandon Wis. 15 days. I ask him the Agency to let the boys attend this school where we live. But he said no I aint going have no argument with you. He said to me Department say so to take all the Indian Children to Lac du Flambeau. That is what I am going to do he said. They only have half day school. But that isn't good Public school was far off good for my children so Harry A. Dawson took my boys again. The oldest is near to six Grade.
>
> I wish he could of attend this school here where they went to school last year. This school here was good for them. But I am sorry for them attending Government school. They know more than at government school and they eat hard crust bread at Lac du Flambeau.

They say and the Agency didn't give any clothing to my children the first time he took them away. I just only wish to not have any more Government school or agency. I wish they won't be any of them so I let you know this. To know what happened to us you could tell about this matter so this be all for today hope we hear from you soon we all send
Best regards to you. Good Bye.

This letter exposes another deplorable situation which only needs to be thoroughly exposed to arouse the deep indignation of every man and woman in the United States who possesses a tithe of common humanity.

The Indian Bureau, years ago, adopted a policy of establishing "show place" schools in far Western cities where, it was announced, Indian children would be given "higher education". Separating the children from their parents and freeing them from tribal customs, it was confidently predicted, would more surely and speedily start them toward a "white man's civilization".

Among the tribes of the Southwest, the cruel policy prevails of taking the Indian children from their parents and sending them to non-reservation schools hundreds of miles distant. Children as young as six years are taken away from their parents—often forcibly—and, in many instances, are kept away from home for four years at a time. Thousands of Indian children have been virtually kidnapped by Indian agents under this law and William Tahwa of Soperton, Wisconsin, is far from being the only parent who has been jailed for protesting against this damnable outrage.

Sometimes these children die far away from their parents and, when I was on the Navajo Reservation in 1926, I was told by officials of the Indian Bureau that some 30 Navajo children were taken from the reservation, which is 8,000 feet above sea level, and sent to school at Phoenix which has a very low altitude. Many of the children contracted tuberculosis. These children then were sent back to the reservation where they communicated the disease to their tribesmen and some of them finally died.

When children are thus forcibly taken from their parents and sent to distant schools, it would seem that the Indian Bureau would be obligated by every humane and decent instinct to treat these forlorn, homeless tots with every possible kindness and consideration. Although the Indian Bureau spends more than three times as much on these schools as is spent on the education of white children in the United States on a per capita basis, the education provided is of a rudimentary nature; the schools are terribly overcrowded; the food often is both bad and insufficient; and sanitary conditions frequently are such that the abnormally high death rate brands these so-called boarding schools as being little better than juvenile pest houses. This condition alone should justify a most searching Congressional inquiry.

I personally investigated some of these schools, but lest it be thought that I exaggerate conditions under the heat of righteous indignation, let me call some competent witnesses whose integrity cannot be questioned.

Let me cite the testimony of Dr. S. S. Warren, physician at the Leupp Boarding School on the Navajo Reservation. This school had an estimated capacity of 319 pupils but 382 actually were occupying the dormitories. In his report to the Indian Commissioner on October 26, 1925, Dr. Warren writes:

As conditions are now, the beds are in such proximity that the health of the children is not only seriously menaced, but in the event of a fire, a large number would lose their lives.

I quote now from Dr. Warren's official report of his daily health inspection on October 12, 1925, as follows:

Teachers report that the children complain of not getting enough to eat; and that some children are eating from the swill barrels; coffee being served to children for breakfast, etc.

Then we find Dr. Warren notifying the superintendent of the agency in writing as follows:

We have approximately 100 cases of measles and seven cases of pneumonia. Having just gone through an epidemic of influenza, our nursing force of teachers and two nurses are worn out and unfit for duty.

The above notification followed an S. O. S. call on April 1, 1925, addressed to the agency superintendent, which said:

Our measles [cases] are of a virulent type, some of whom have only recently had influenza.

In daily communications to the agency superintendent, Dr. Warren requested more nurses and medical assistance. *He got neither.* On April 29 in desperation, while children were dying around him through lack of adequate supplies, Dr. Warren telegraphed directly to Indian Commissioner Burke as follows:

We have had an epidemic of measles and influenza since March 17. Four deaths and typhus suspect in hospital now. Dormitories and hospitals are foul with contagion. No sanitary measures have been taken in conformity with public health and state laws to clean up. Children being bedded in and occupying quarters used for the sick to the future detriment of health.

Dr. Warren did not get any aid from the Indian Commissioner. Instead he was rebuked for going over the head of the indifferent agency superintendent in his appeal to headquarters. Later, for again courageously protesting against the murder of little children, he was driven out of the Indian service.

Construction Engineer Russell of Flagstaff, Arizona, was also forced from the Indian Bureau, after seventeen years of service, for protesting against the cruelty and dishonesty of a superior. Says Mr. Russell:

I have seen Indian boys chained to their beds at night for punishment. I have seen them thrown in cellars under the building which the superintendent called a jail. I have seen their shoes taken away from them and they then forced to walk through the snow to the barn to help milk. I have seen them whipped with a hemp rope, also a water hose and forced to do servants' work for employés and superintendent without compensation, under the guise of industrial education.

◇◇◇

I could collect a convincing array of evidence along the same lines, some of it almost unprintable in its details, but the official report of the Indian Bureau for the year 1923-24 contains a damning admission that completely convicts these officials of callous neglect, if nothing worse. The report says:

The survey of seven of the boarding schools attended exclusively by Navajo children disclosed the fact that 46.64 percent of the pupils—nearly one-half—were trachomatous.....

Trachoma is an eye disease, often causing blindness, and its chief contributing cause is malnutrition.

The remedy for the abominable situation now existing in the Indian boarding schools—a situation that is the blackest blot on the American flag—is to build day schools on the reservations or, whenever possible, permit the Indian children to attend white public schools. The money spent by the Indian Bureau for Indian education would build modern public schools on the reservations which would provide for the education of every Indian child. Now, according to the official report of the Indian Bureau, the boarding schools are overcrowded to 38.8 percent beyond their physical capacity and thousands of Indian children receive no schooling whatever.

The health of the adult Indians is neglected in the same shameful manner. Dr. Haven Emerson, Professor of Public Health Administration in Co-

lumbia University and former Health Commissioner of New York City, makes the following statement:

> Outside the boundaries of Russia, India or China, I know of no section, race, or tribe of human beings which now exhibit such tragic neglect of the most elementary protection against preventable sickness and death as is to be found among the American Indians who under treaty and Federal statute are beholden to us, the American people, for their personal liberty, right to use and dispose of their property, for their education, their medical and nursing care and protection against disease.
>
> If there ever was a proper subject for a Congressional investigation, it is the administration of a government service which in the richest country in the world permits practical enslavement of person, theft of land and produce, impoverishment of funds, and the virtual starvation of thousands of our wards, which, together with disease, are combining to destroy a race older than our own. The neglect of the health of the Indians is recognized by all health officers of this country and by the informed medical professions as a classical example of governmental incompetence.

Incontrovertible facts amply justify Dr. Emerson's statement. The Indian death rate increased 48 percent from 1920 to 1924, the last year when the Federal census tabulations were made. The death rate among Indians in a registration area of 33 states is two and one-half times the white death rate—and is increasing. The Indian tuberculosis rate is six times the white tuberculosis rate in the same states and, for the country as a whole, the Indian tuberculosis rate is seven and one-half times the white rate. The Indian death rate for infants one year old or under is nearly three times the mortality rate for white infants. More than 60,000 Indians—21 percent of all those under Indian Bureau control—are suffering from trachoma, according to the official reports of the Indian Bureau.

◇◇◇

As long as the Indian Bureau insists upon determining the "competency" of American Indians, it would seem to be just and proper for the American Indians, who have been subject to neglect, disease and distress, according to these eminent authorities, to be permitted to pass judgment on the competency of the Indian Bureau.

Dr. Frances Sage Bradley, director of the State division of child welfare, Montana, writes regarding conditions there, as follows:

> Pathetic and hopeless is the physical condition of young children and the eagerness of the mothers for help. We have held what we call children's health conferences on various reservations, and men and women have sledded their children 35 and 40 miles in snow on a level with their roofs, with the thermometer 14 below zero, to find out how to cure rickets, trachoma, tuberculosis. What can we tell them? I want to state that nothing but a prompt, vigorous, baby-saving program can prevent the extermination of the Blackfeet. Their maternal and infant mortality is shocking, and their superintendents admit that their seeming increase is limited to half-breeds. The end is inevitable.

Dr. C. A. Harper, State health officer of Wisconsin, with whom I have been personally acquainted for over 20 years, a man who possesses the confidence of the people of that State and a medical officer of high authority, says regarding the Indian tribes in Wisconsin:

> The reservations are filled with the most prevalent contagious and infectious diseases; that they are infecting the white communities, and that the laws are such that the State health officers are not allowed to do anything about it.

It should be stated that Wisconsin is one of the few states that has recently taken up medical assistance for the Indian tribes, and last year it devoted $16,000 of State funds for immediate medical aid for the 11,000 Indians of our State.

I do not believe a stronger statement can be found than that put forth by Drs. Allen F. Gillihan and H. B. Schafer, representing the California State Board, who were appointed by the governor to make a survey of the conditions of the Indians of California. In a report covering over 80 pages, complete and definite in character throughout, this California commission concluded by saying that:

> As the result of two months' sojourn and field study among the Indians of northeastern California, the following conclusions have been reached:
>
> 1. That the ill treatment of the Indians (of California) during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300 (which is the figure just obtained from the 1920 census report).
> 2. That the Indians are now living a hand to mouth existence.
>
> (a) In houses not fit to live in.
> (b) Upon land that is useless.
> (c) Without water.
>
> 3. That they are not receiving an education worthy of the name.
> 4. That a great deal of sickness exists among them, and they are receiving absolutely no care.
> 5. That they are not receiving any advice, assistance or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families.

I have received many communications from various states, emphasizing the widespread character of diseases among the Indians of various tribes and the incapacity and lack of effort of the present bureau system to arrest the march of disease or to save the Indians from its ravages.

Despite this shameful record of criminal incompetence, the Indian Bureau has stubbornly refused to transfer its so-called medical service for Indians to the United States Public Health Service, although this was urged by a special committee of the House of Representatives in 1920, and the proposal was seconded by the Board of Indian Commissioners. The Association of United States Army Surgeons and the Association of State Health Officers also urged this transfer.

Recently, Indian Bureau officials in press releases have tried to offset these charges of neglect, disease and poverty by pointing to the large per capita wealth among the Indians.

◇◇◇

Practically the entire increase in wealth claimed by the Indian Bureau is from oil wells in a limited district and wealth that belongs to a small fraction of the total number of Indians. Not five percent of the total number of Indians probably have reaped any benefit, direct or indirect, from the oil wells, yet the camouflage proposition of wealth per capita is made to cover starving Indians from Fort Peck Reservation, on the Canadian border, to the Pimas, 2,000 miles distant in Arizona.

The discovery of oil in Oklahoma is of no more value to the Fort Pecks, Hopis, Piutes or Pimas or Klamaths than the wealth of the Czar's family was to the Russian serf. A Jackson Barnett fortune of $1,100,000 made in Oklahoma oil, divided by Commissioner Burke between a mission and an alleged kidnapping wife, with extras to attorneys and others, by no possibility can add one farthing to the weath of the poverty-stricken California Indians or to 95 percent of nearly 200 other tribes that have no more interest in or right to any Oklahoma Indians' oil wealth than they have to the diamonds in the Czar's crown.

◇◇◇

Unfortunately, the Indian Bureau, as now constituted, will not act on friendly suggestions for reform, nor will it accept the proffered coöperation of state health services. California and Wisconsin appropriated funds to carry on health campaigns among the Indians. The Swing-Johnson bill authorized cooperation between state and Federal

governments for this purpose, but the Indian Bureau lobby immediately opposed this bill.

Commissioner Burke prepared a "substitute" wherein, after requiring the state to enact health legislation, he may, under the name of the Secretary of the Interior, "in his discretion", make whatever contract he sees fit. Congress, law and its administration again are placed under the jurisdiction of the Indian Bureau. The substitute means nothing except continued Indian Bureau control and was drawn for that purpose.

This is not accidental, for $1,600,000,000, the bureau estimate of Indian property, is a very juicy plum to control, and $90,000,000 in securities a fine sum of money to handle where no responsibility exists for interest or investments, where no board of directors can meddle and no judge can interfere, as in other cases of trusteeship and guardianship. Yet starving Indians are with us today. But if the states could show, as they surely would, that local care of Indians is vastly better than the Indian Bureau record of neglect, then other extensions of state supervision would follow and soon a number of Indian Bureau officials would be seeking new jobs.

Incidentally, the Indian Bureau lobby is one of the most powerful in Washington and the heads of the bureau exercise a peculiar power over Congress. All bills affecting Indian legislation are, by unwritten law, referred to the Indian Bureau for approval before consideration and the report, on the bill, signed by the Secretary of the Interior or the Commissioner of Indian Affairs, almost invariably determines the fate of the measure. Only one bill opposed by the Indian Bureau was passed by the House Committee out of the first 35 bills in the last session of Congress reported by that committee.

When, as a member of Congress, I first became interested in our Indian wards, I had no special knowledge of the situation. To inform myself on conditions, in the fall of 1926, I made an automobile tour of investigation that covered 4,480 miles and took me to twenty reservations. I consulted Indian Bureau employés, talked with hundreds of Indians, visited schools and made as thorough study of the problem as I could.

Based on what I actually saw during this trip, discounting official reports and the testimony of reliable witnesses, I am prepared to affirm that the Indian Bureau is guilty of grave malfeasance on at least a dozen major counts.

The time has come to demand a square deal for these wards of the nation who are being decimated by disease, neglect and starvation. Not one argument can be advanced for the continuation of this cold-blooded Indian Bureau policy which savors of the Spanish Inquisition. We have had nearly a century of this bureaucratic control. Expenses have grown as the Indians' property has diminished and the bureau employés have increased as the Indians have decreased in number. Today the criminal maladministration of the Indian Bureau not only justifies but demands its abolishment and provision for some temporary substitute until the Indians can be released from their present position of peonage.

Fortunately, the Senate Indian Affairs Committee already has appropriated money for a survey of the conditions among the Indians. If the investigation is vigorously conducted—and I believe it will be, judging by the personnel of the committee—the facts revealed will shock the conscience of the American people and create an overwhelming public sentiment in favor of any constructive remedy suggested to Congress.

The Rio Grande Pueblo Conservancy Bill

Mr. LA FOLLETTE. In my judgment, Mr. President, the action contemplated in this bill, if the House amendment shall prevail, is a breach of faith with the six Pueblo Tribes involved.

If Indians were not concerned in this matter, Mr. President, if the negotiations which led up to the approval of Senate bill 700 as it passed the Senate by interested parties had been made by white citizens, in my judgment this action would not be contemplated, nor would an attempt be made to justify it.

Mr. KING. I ask for information. If the amendment of the Senator from Kansas [Mr. Curtis] is accepted, which withdraws 4,000 acres from the 15,000 and renders it immune from payment, would not the burden placed upon the residue be much greater than $109 an acre?

Mr. LA FOLLETTE. I have not figured it out for the 4,000 acres; but on the suggestion that there should be 5,000 acres withdrawn, which was made yesterday on the floor, I figured out that the 10,000 acres would bear a burden of approximately $163.44 per acre.

It is the urban communities of New Mexico which are interested. When they could not get this gratuity of half a million dollars or more against the 8,346 acres of land they were so anxious for flood control—and I refer to the white urban centers in New Mexico—that they now take the position that it is perfectly justifiable to charge the Indians with the debt in order that they may get it at once.

Much work has been done on both sides of this Chamber to line up Senators for the bill. That has been accomplished by ex parte statements. Perhaps the votes have been gathered in to "put across" this injustice to the 3,500 Pueblo Indians—peaceful, civilized Indians—who over the years of written history have never waged warfare against the United States. They are a simple agricultural folk. Under the laws of New Mexico they are disfranchised. They can make no protest at the ballot box for what may be done here in their name.

SPEECHES

OF

HON. ROBERT M. LA FOLLETTE, JR.

OF WISCONSIN

HON. LYNN J. FRAZIER

OF NORTH DAKOTA

AND

HON. JOHN J. BLAINE

OF WISCONSIN

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 29 AND MARCH 1, 1928

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

91314—4631

The Rio Grande Pueblo Conservancy Bill

Mr. LA FOLLETTE. In my judgment, Mr. President, the action contemplated in this bill, if the House amendment shall prevail, is a breach of faith with the six Pueblo Tribes involved.

If Indians were not concerned in this matter, Mr. President, if the negotiations which led up to the approval of Senate bill 700 as it passed the Senate by interested parties had been made by white citizens, in my judgment this action would not be contemplated, nor would an attempt be made to justify it.

Mr. KING. I ask for information. If the amendment of the Senator from Kansas [Mr. Curtis] is accepted, which withdraws 4,000 acres from the 15,000 and renders it immune from payment, would not the burden placed upon the residue be much greater than $109 an acre?

Mr. LA FOLLETTE. I have not figured it out for the 4,000 acres; but on the suggestion that there should be 5,000 acres withdrawn, which was made yesterday on the floor, I figured out that the 10,000 acres would bear a burden of approximately $163.44 per acre.

It is the urban communities of New Mexico which are interested. When they could not get this gratuity of half a million dollars or more against the 8,346 acres of land they were so anxious for flood control—and I refer to the white urban centers in New Mexico—that they now take the position that it is perfectly justifiable to charge the Indians with the debt in order that they may get it at once.

Much work has been done on both sides of this Chamber to line up Senators for the bill. That has been accomplished by ex parte statements. Perhaps the votes have been gathered in to "put across" this injustice to the 3,500 Pueblo Indians—peaceful, civilized Indians—who over the years of written history have never waged warfare against the United States. They are a simple agricultural folk. Under the laws of New Mexico they are disfranchised. They can make no protest at the ballot box for what may be done here in their name.

SPEECHES

OF

HON. ROBERT M. LA FOLLETTE, JR.

OF WISCONSIN

HON. LYNN J. FRAZIER

OF NORTH DAKOTA

AND

HON. JOHN J. BLAINE

OF WISCONSIN

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 29 AND MARCH 1, 1928

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

91314—4051

Congressional Record

SEVENTIETH CONGRESS, FIRST SESSION

SPEECHES
OF
HON. ROBERT M. LA FOLLETTE, JR.
HON. LYNN J. FRAZIER
AND
HON. JOHN J. BLAINE

[S. 700—The Middle Rio Grande pueblo conservancy bill, as considered by the Senate on March 1, 1928]

That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance of an act of February 14, 1927 (44 Stat. L. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed $1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited which shall be definitely determined by said Secretary and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further*, That all present water rights now appurtenant to the approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande Conservancy District, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from proceeds of leases from the newly reclaimed pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. CURTIS], which will be stated by the Secretary.

91314—4051

The CHIEF CLERK. On page 3, line 20, after the word "lands," it is proposed to insert "except such part thereof as the Indians shall themselves farm."

Mr. BRATTON. Mr. President, I desire to suggest an amendment to the amendment of the Senator from Kansas. The amendment I suggest is to add to the amendment the words "not to exceed 4,000 acres."

Mr CURTIS. Mr. President, I am willing to accept that modification. Since the debate of yesterday I have talked with the officials of the Indian Bureau and they say that 12,000 acres will be all that will be required for many years to come for the use of the Indians.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment of the House.

Mr. LA FOLLETTE. Mr. President, before the amendment is acted upon, I should like to suggest to the Senator from Kansas that there be added to his amendment additional words reading as follows:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

Mr. CURTIS. Mr. President, I have not had an opportunity to study the amendment suggested by the Senator from Wisconsin, but it seems to me that what it provides would be the attitude of the department in any event.

Mr. LA FOLLETTE. The amendment suggested by me would simply assure the result of the amendment of the Senator from Kansas. As I understand, if he shall incorporate in his amendment the words which have been suggested by the Senator from New Mexico, the result will be to throw a much larger additional burden upon the acres which are not actually farmed by the Indians.

Mr. CURTIS. That is, the 11,000 acres?

Mr. LA FOLLETTE. The purpose of my amendment is to protect those acres in Indian ownership from an excessive rate of collection; in other words, although I do not agree with the justice of loading these additional acres with this larger debt, I believe if protection were incorporated in the bill so that the large additional debt would be paid off over a much longer period of time, that some justice would be secured for the Indians.

Mr. BRATTON. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. I yield.

Mr. BRATTON. I hope the amendment suggested by the Senator from Wisconsin will not prevail. The amendment of the Senator from Kansas in its present form will give the Indians the right not only to farm their present area of 8,346 acres free of debt, free of obligation, and free of reimbursement, but it will give them the right to farm 4,000 additional acres without obligation or reimbursement of any kind from the proceeds of that land. In other words, it will give the Indians the use of 12,000 acres of land plus, susceptible of heavy production, because it would be reclaimed and could be cultivated in an intensive manner.

Mr. LA FOLLETTE. But, Mr. President——

Mr. BRATTON. If the Senator will permit me to complete my statement, I wish to say that all the Government would look to, then, for its reimbursement would be the proceeds of leases upon land that is now practically worthless to the Indians. To say that it would be oppressive can not be sustained by the facts, as I understand them. The amendment suggested by the Senator from Wisconsin, if adopted, not only will jeopardize the passage of the bill but will defeat the legislation as he of necessity must understand. Furthermore, it is a departure from any legislation which I know anything about upon this or kindred subjects.

Mr. LA FOLLETTE. If the amendment which I have suggested to the amendment of the Senator from Kansas is going to be resisted, then I wish to discuss the entire bill upon its merits before the amendment shall be adopted.

Mr. BRATTON. I do not resist the amendment of the Senator from Kansas.

Mr. LA FOLLETTE. I understand that.

Mr. BRATTON. I am willing to accept it in the form in which we have discussed it.

Mr. CURTIS. Mr. President, I yield the floor if the Senator from Wisconsin desires to proceed.

Mr. LA FOLLETTE. Mr. President, I have served for approximately two years upon the Indian Affairs Committee. Senators well realize that to take a position in opposition to that sponsored by a Senator, or, as in this case, the two Senators from a State, is not a pleasant one. Nevertheless, I conceive it to be my duty as a member of the Committee on Indian Affairs to oppose legislation on this floor and in the committee which, after due consideration and such investigation as I am able to make, I feel is not in the interest of the Indians and perpetrates upon them an injustice.

In carrying out the conception of my obligation as a member of that committee I have on numerous occasions opposed the attitude and the position taken by Senators from States in which Indians were concerned in legislation under consideration. So long as I am a member of that committee I shall continue to follow that course.

In my judgment, Mr. President, the action contemplated in this bill, if the House amendment shall prevail, is a breach of faith with the six Pueblo Tribes involved.

If Indians were not concerned in this matter, Mr. President, if the negotiations which led up to the approval of Senate bill 700 as it passed the Senate by interested parties had been made by white citizens, in my judgment this action would not be contemplated, nor would an attempt be made to justify it.

This matter has been in controversy for some time. In 1926 a bill was introduced containing a provision that nothing should be done unless the consent of the Indians was obtained. That bill failed of passage; but the Indian tribes involved, through their duly authorized councils, rejected that bill even with that proposal in it. Then the conservancy district, realizing, I believe, that they could not pass this legislation unless they obtained an indorsement of the Indians involved, concerning the features of Senate bill 700, then proposed to them.

In that connection, Mr. President, I desire to call attention to the action taken by the council representing these tribes which assembled at Santa Domingo pueblo on September 17, 1927. The resolution is as follows:

The council of all the New Mexico pueblos * * * adopts and recommends to the councils of the several pueblos the following:

First. We recognize the importance of the Rio Grande River problem to all of northern New Mexico and to the pueblos. The Pueblos, no less than their white neighbors, want to see the floods controlled, the water for irrigation increased, and the water-logged lands restored to cultivation.

Second. The council holds itself absolutely uncommitted to any detail of engineering or financing plan, and to any surrender of land for reservoirs or any other conservancy purpose. The council will duly consider the physical and general financing details of any river project when the officers of the Middle Rio Grande conservancy district, and especially the engineers, have completed their study. We are informed that such study has not yet been completed. Subject to the above—

Third. (a) We shall oppose any plan threatening the destruction of any Pueblo village, now or in the future.

(b) If any reimbursable debt be placed on Pueblo lands, we insist that it be no larger than the amount justified by the direct Pueblo benefits.

(c) We insist that our existing improved acreage—

That, Mr. President, refers to the 8,346 acres in controversy in this connection—

or its equivalent in lands newly reclaimed, shall remain free from debt of whatever character and from all charges for water. We are opposed to any plan under which the amount of free water for irrigation, which the Pueblos now use or which may be recovered under the Pueblos lands act, or through the independent suits authorized in that act, shall be diminished.

(d) If any reimbursable debt be placed on Pueblo lands of whatever character we insist that such debt be payable out of a share of the crop yield exclusively from the newly developed lands—

That is, from the 15,000 acres—

but in any case at a rate not exceeding one-fortieth part in any one year.

(e) We insist that any legislation involving the Pueblos in the conservancy project shall contain guaranties against the allotment of our lands.

(f) We are opposed to any condemnation of Pueblo lands for conservancy, and we insist that any land required from the Pueblos shall be agreed to and described in the enabling act.

(g) Because of the many complicated issues involved, we urgently recommend that no effort be made to provide authorization or money involving the Pueblos in the conservancy project in any general appropriation bill or deficiency appropriation bill, but that any legislation sought shall in the first instance be a special act authorizing an appropriation, and shall be considered by the Indian Affairs Committees as well as the Appropriations Committees of Congress.

Mr. President, Senate bill 700 as introduced, as supported by the Department of the Interior and the Indian Office, and as reported from the Committee on Indian Affairs of the Senate unanimously, and as passed by the Senate, contained substantially all of the provisions asked for by these Indians at their formal tribal council meeting; and I think it is of interest to the Senate that on December 1, 1927, Pearce C. Rodey, attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, attorney at law, Albuquerque, N. Mex., who represented the Indians and advised them concerning their interests in this conservancy development. Some attempt has been made here to infer that because Judge Hanna was employed at a nominal fee by the American Indian Defense Association in connection with certain other matters he therefore is in some way influenced by the Indian Defense Association in the position which he takes upon the matter now in controversy before the Senate. I have not the honor of the personal acquaintance of Judge Hanna, but I am informed that he is one of the most distinguished members of the bar of the State of New Mexico; and I submit that his statements with regard to this matter are worthy of consideration regardless of whether or not he is employed or under retainer by the American Indian Defense Association in some other matter.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. BRATTON. I am more fortunate than the Senator from Wisconsin in the particular regard he is now discussing. Judge Hanna is an outstanding citizen and one of the ablest lawyers in the State of New Mexico. His character and his reputation can not be assailed. I do not agree with him in the particular matter we are now discussing; but, that question aside, it is my pleasure to assure the Senate that Judge Hanna is one of the leading citizens of New Mexico, and as good a man as can be found anywhere.

Mr. LA FOLLETTE. I am glad to have the Senator make that statement, because when this matter first came up for consideration and I made some suggestion about the position of Judge Hanna in this matter, the Senator from New Mexico made reference to the fact that he was under retainer by the American Indian Defense Association, and the clear implication of that statement was that this attorney would therefore be influenced in his statements concerning some other proposition. If the Senator from New Mexico did not intend to make that implication in his statement, I am glad to have given him the opportunity to amplify it in the RECORD, because I submit that the language which the Senator used was subject to that inference.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I do.

Mr. BRATTON. It was not so intended, Mr. President. The Senator from Wisconsin referred to the fact that Judge Hanna was attorney for the Indians, and I replied to the suggestion. "Under the employment of the Indian Defense Society," the secretary of that society being the one that has espoused the opposition to this bill, and has inspired a nation-wide opposition to it to the best of his ability. I expressly acquit Judge Hanna of any improper motives in this or any other matter, but I can not say that for some others in connection with the Indian Defense Society.

Mr. LA FOLLETTE. Mr. President, I do not propose to be drawn into any controversy between Mr. Collier and the Senator from New Mexico. They can settle that controversy between themselves; but I do desire to say that I have come in contact with Mr. Collier during the last few years, I have found him to be reliable, and I have found him to be conscientious in his effort to protect the rights of American Indians.

Mr. BRATTON. Mr. President, if the Senator will yield, I regret exceedingly that I can not share the view of the Senator from Wisconsin with reference to Mr. Collier.

Mr. LA FOLLETTE. The Senator is entitled to any opinion he desires to have in the matter, but I think I have had as long an acquaintance with Mr. Collier as the Senator from New Mexico has had, and I reiterate the statement which I just made concerning him.

On December 1, 1927, Mr. Pearce C. Rodey, the attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, and I desire to quote only one paragraph from the letter. He said:

We have conceded practically all that was ever asked in those resolutions—

Referring to the resolutions adopted by the Indians which I have just read—

that you sent to me, and have considered all the suggestions that came through you or those you represent. Of course, the Indians have really a gratuity under this bill for the present cultivated acreage; and inasmuch as the lien can not be enforced as to the other lands so long as title thereto is held by the Indians, this gives ample protection against the enforcement of the lien.

On page 31, part 1, of the hearings upon Senate bill 700, as introduced, and which, I think, fully protected the rights of the Indians in this matter, there are set out a number of telegrams addressed to Mr. Collier, signed by the governors of the various pueblos, and also by Sotero Ortiz, president of the council of all the New Mexico pueblos. The import of those telegrams is approval of the bill as introduced, which they were subsequently informed carried out the resolutions adopted by them in 1927. I desire, without reading, to have those telegrams incorporated as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ISLETA, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

To whom this may concern:

On December 1, 1927, a meeting was held at Santo Domingo, N. Mex., of all the river pueblos and formally instructed John Collier, secretary Indian Defense Association, to represent the pueblos in obtaining protection on conservancy matters.

ANTONIO ABEYTA,
Secretary New Mexico All Pueblo Council.

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER,
37 Bliss Building, Washington, D. C.:

Be it resolved by the council of all the New Mexico pueblos assembled at Santo Domingo, N. Mex., January 19, 1928, for the consideration of Senate bill No. 700, regarding appropriation by the Government in aid of the Rio Grande conservancy district as it relates to Indian lands, as follows:

First, that we are opposed to any reimbursable debt against the Indians, even as to newly reclaimed lands, considering this a burden too heavy for us to bear; second, that we are strongly in favor of the provisions of said bill for the protection of Indian lands and rights; third, that though doubtful of ultimate benefit to the Pueblo Indians if the costs to be advanced by the Government are charged against the Indians as a reimbursable debt, we are aware of the fact that conservancy legislation affecting Indian lands is likely to be enacted and we renew our expression of faith in and authorization to the American Indian Defense Association and John Collier to represent our interests in that regard, and ask them specifically to support in any proposed legislation, including Senate bill 700, such provisions as said bill contains for the benefit of the Indians, not including any reimbursable debt, and if a reimbursable debt is unavoidable, which we should regret, you are authorized to support said Senate bill 700 in its entirety; fourth, the following pueblos being present and voting unanimously; for this resolution—Taos, Santa Clara, San Juan, Nambe, San Ildefonso, Santo Domingo, Tesuque, San Felipe, Santa Ana, Cobito, Sandia.

COUNCIL OF ALL THE NEW MEXICO PUEBLOS,
By SOTERO ORITZ, *President.*
CLETO TAFOYA, *Secretary.*

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not present at Domingo meeting, we have signed resolutions of pueblo council at our own meeting in Salete, and join, with other pueblos, in expressing satisfaction with your work on conservancy bill and in authorizing you to use best judgment in supporting Senate bill 700 in whole or in part.

JOSE PADILLA, *Governor Isleta Pueblo.*

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

JUAN ABILA,
Governor Sandia Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

LORENZO SANCHEZ,
Governor San Felipe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

TOMASITO TENORIO,
Governor Santo Domingo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

Santa Ana pueblo sends full authority speak for us all hearings Senate bill 700, and send heartfelt thanks for work you have already done.

JOSE REYLEON,
Lieutenant Governor.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

AMBROSIO MARTINEZ,
Governor San Juan Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

VICTORIANO SISNEROS,
Governor Santa Clara Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

JULIO ABEGATO,
Governor Tesuque Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

LOUIS ORTIZ,
Governor Cochiti Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Advise Senate committee you have full authority—speak for us in all matters relating to conservancy bill. We are all behind you.

LORETO VIGIL,
Governor Nambe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

San Ildefonso pueblo sends you its consent to represent it in all hearings on the conservancy bill, S. 700.

ANTILANO MONTOYA, *Governor.*

SANTA FE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not affected by conservancy, we were present Domingo meeting and send you full support and appreciation for your work on behalf of pueblos.

TASO PUEBLO,
By MANUEL CORDOVA, *Governor.*

Mr. LA FOLLETTE. Mr. President, I desire to read a telegram dated at Albuquerque, N. Mex., January 20, 1928, appearing on page 33 of the hearings, and signed by Hanna & Wilson, Mr. Wilson being a partner of the Judge Hanna to whom I have just referred. This is addressed to John Collier, and reads:

ALBUQUERQUE, N. MEX., *January 20, 1928.*

JOHN COLLIER, *Washington, D. C.:*

As counsel for each pueblo affected by conservancy district, attended general meeting September 17 where pueblos took definite stand on

conservancy, and subsequent meeting December 1, where they renewed position demanding protective measures in conservancy bill and gave you unqualified authority represent them in obtaining such protection. Also attended meeting January 19, where Senate bill 700 read in full Spanish and Indian languages and discussed from all angles. Indians much relieved by protective measures in bill and passed resolution authorizing you speak for them. Indians opposed any reimbursable debt but feel if such debt unavoidable the safeguards contained in bill are absolutely necessary. We have represented this Indian attitude in number of informal meetings local conservancy heads and believe they realize solidity of Indian feeling.

HANNA & WILSON.

Mr. President, following that long controversy, following the indorsement given by these pueblos to this bill, it was reported unanimously from the Senate Committee on Indian Affairs in the form of Senate bill 700. It was passed in the Senate by unanimous consent, it went to the House, there it was amended without explanation given, the House striking out the protective features which the Indians have insisted upon in every step taken in this controversy. It was brought back here in the form of a message from the House of Representatives, and passed without any explanation of the changes which had been made in the House.

It then became necessary to move for reconsideration. The bill was rereferred to the Senate Committee on Indian Affairs, and there, after a hearing, the committee divided very closely, only one majority being secured for the report of the bill to this body in the form in which it now is before us.

It should not be necessary to discuss the merits involved in this question, following the action of repudiation by the House of Representatives in their action in this amendment, and by the Senate committee in reporting this bill, a repudiation of the understanding upon which these Pueblo Indians supported and indorsed the original bill.

I submit it as my judgment that if this proposition had been presented de novo before the Senate Indian Affairs Committee in the form in which it is now before the Senate that committee never would have reported the bill in its present form. If there had been a real investigation into the merits of this controversy, if we had had a full attendance of the committee, in my judgment that committee never would have authorized the report of this bill.

The cry is raised that unless we are willing to accept the House amendment no legislation can be passed at this session of Congress. I do not pretend to be prophet enough to predict as to whether or not that assumption is correct, but until this body has exercised every legislative step to bring justice to these Indians it has not fully discharged its obligation. If we accept the assumption of the Senator from New Mexico that this legislation can not pass without either attempting to amend the House amendment and send it back to the other body, where it will come up on the floor and be discussed on its merits, or else reject the House amendment and demand a conference, we will not have exhausted our legislative remedies and we will not have discharged our full obligation.

Mr. President, the gratuity features in Senate bill 700 as reported from the committee originally were based, in my judgment, upon a recognition of the fact that this 8,346 acres, cultivated since known historical times by these Pueblo Indians, would not receive sufficient benefits under this proposal to justify assessment against them of the large amount of $67.50 an acre, which is proposed in the bill as it now is before us.

I defy any Senator to examine the record of the Senate Indian Affairs Committee upon this measure, or the proceedings before the House Appropriations Committee on it, and find any showing of facts as to the benefits which this 8,346 acres will receive as a result of this bill. As a matter of fact, in so far as those hearings touch upon that question, they show, I think, clearly a recognition of the fact that the Indians are not to receive any such benefit on these 8,346 acres as is provided in this bill.

In that connection I wish to draw attention to the statement which has been previously quoted by Mr. Reed, the engineer in chief for the Indian Bureau on reclamation matters. Appearing before the committee on January 20, 1928, Mr. Reed declared:

> The only relief that the Indians will have, of course, is on the main canal, which will serve not only their lands but the lands below. The distributing system and everything except the main carrying canals will be handled by the Indians.

Further he stated:

> As a physical fact, the Indian system and the white man's system of distribution will be separate except in so far as those lands that have passed from Indian ownership—the lands within the pueblos that have passed from Indian ownership to white men—the title to which is now being worked out by a committee that was appointed for that purpose.

Mr. Reed stated further:

> I do not know of another irrigation system in the United States, and I think I know every one of them, that has physical conditions similar to what we have here. This is a shoe string, with a canal passing down one side. The Indian lands take-out would be project expense. But the moment the water leaves the take-out it is on Indian land, and would not be subject to white use excepting on the lands that I have described as having passed out of Indian ownership.

He stated further, on page 22:

> These Indians have had a system that has served their purpose, perhaps to them satisfactorily, but not scientifically. They still think that they can go on and exist and perhaps prosper under the same conditions. The lands that have become waterlogged have become so not from acts of the Indians but as the result of civilization.

The other day, when the Senator from New Mexico had the floor, I referred to a statement of Mr. Burkholder, the engineer for the conservancy district, in his appearance before the House Appropriations Committee on the Interior Department appropriation bill for 1929. These are the only statements which I have been able to find concerning this question of the controversy over how much the 8,346 acres are to be benefited. The Senator from New Mexico on yesterday maintained that they would receive a benefit amounting to $67.50 per acre, but I submit that he did not furnish to the Senate any definite, detailed statement as to what that benefit would consist of, even though he was pressed to do so by my colleague.

Three of the maps which I have been able to obtain concerning these pueblos make an interesting showing. I am sorry that I have not had an opportunity to prepare them in sufficient size so that they could be used here in the Chamber, because I think a physical picture of exactly the situation that exists there would be of help to the Senate in arriving at a conclusion.

In connection with the statement concerning the 8,346 acres now under cultivation by the Indians, and which have been under cultivation for at least 300 years, I desire to bring to the attention of the Senate a report made by the Pueblo Lands Board, created under authority of the Pueblo lands act of 1924. That board consists of a chairman, appointed by the President of the United States, a member appointed by the Attorney General, and a member appointed to represent the Secretary of the Interior. This report deals with the Santo Domingo pueblo. The board states:

> The two main bodies of cultivated Indian lands, a part of this 8,346 acres under discussion, lie in the vicinity of the pueblo west of the Rio Grande and directly opposite the pueblo on the river's right bank. Much of the lands that the Indians irrigate and farm is of the very best quality, rich alluvial soil, with just sufficient mixture of sand to prevent its baking. Some of the land is too sandy. Some of it would be benefited by drainage, but on the whole—

I direct the attention of the Senate to this language—

> But on the whole the land they cultivate is better in quality and in much better present condition as to drainage than most of the agricultural lands in the valley between White Rock Canyon and San Marcial, whether Indian or non-Indian. Generally these Indians cultivate their land as well or better than most of the non-Indian landholders in the valley.

One other point from this report:

> There is ample water ordinarily for the cultivation of all the Indian and non-Indian land now cultivated within this grant. It is probable that an effective reorganization of all the irrigation and drainage systems of the Middle Rio Grande Valley, which includes this and several other pueblo areas, if accompanied with effective provisions for flood control, will enhance the effectiveness and productivity of the land within the Santo Domingo pueblo already cultivated and also enable the irrigation of some additional land. The Indians themselves, however, if they are to be charged with any appreciable burden of such improvement, could not well stand such burden. It should always be borne in mind that their rights to the water for the irrigation of the lands they have cultivated can not be interfered with.

Mr. President, there is much said in behalf of the bill because it is alleged to confirm the rights of the Indians to water. A little later in my remarks I shall demonstrate that that means absolutely nothing to the Indians. Their rights to the water are absolutely and amply protected and can not be taken from them except by act of Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As a matter of fact, have not these lands been cultivated by the Indians for many hundreds of years?

Mr. LA FOLLETTE. Much is made of a statement by Mr. Pearce Rodey, attorney for the Rio Grande conservancy district, in which he said, and I think I quote him correctly or substantially correctly at least, that it has been said that 23,000 or 25,000 acres were cultivated in prehistoric times. The Assistant Commissioner of Indian Affairs picked up that statement and reiterated it without support before the Committee on Indian Affairs of the Senate. But so far as history tells us the lands have been cultivated for more than 300 years by these Indians through their own initiative and through their own system of irrigation which they themselves constructed.

Mr. COPELAND. Then there is no doubt about the rights of the Indians to the water powers and the irrigation ditches?

Mr. LA FOLLETTE. There is no question about it. There is in controversy now some land which the Indians claimed had been taken away from them before the year 1910 by the whites, but in so far as their rights to the 8,346 acres and to the water are concerned, there is no question that they are absolutely in full possession of them, and they can not be diminished or set aside except by a plenary act of Congress.

Mr. COPELAND. If the Senator will bear with me a moment, I have not had the pleasure of hearing everything the Senator said. I trust he will address himself at some time to the question of whether the cultivated lands will actually be benefited.

Mr. LA FOLLETTE. I have been addressing myself to that question, and I have given such information as I could find from a perusal of the hearings. I went into that subject before the Senator entered the Chamber. I desire to say, however, and I think perhaps it would be of interest to the Senator from New York, that Dr. W. J. Spillman, of the Department of Agriculture, a recognized agricultural expert and economist, was one of those who formed the committee of investigation of Indian matters which has been working with the Department of the Interior. In connection with that work he made a visit to the Middle Rio Grande district and made a general survey of conditons there. I desire to call the attention of the Senator from New York to his statement as quoted by the senior Senator from North Dakota [Mr. FRAZIER] before the committee. It appears on page 60 of the hearings:

> I think that if the original principles involved in the bill—

That is, the bill S. 700 as reported from the committee, and not the bill in its present form—

> are not adhered to, it ought not to be passed. Unless the original principles can be adhered to, I would oppose this bill as a vicious piece of legislation. It would mean that the Indians could not possibly pay for it. Anyone with experience in irrigation matters knows that the white man could not pay for it. If they want to put the Indians in a position to redeem themselves and make them civilized, they can never do it in this way, as it is entirely unjust to the Indians.

Mr. COPELAND. Mr. President, if the Senator will yield a moment further, it has seemed to me that the only possible justification for putting such an enormous debt upon the raw lands of the Indians would be a material benefit to the cultivated lands.

Mr. LA FOLLETTE. No such benefit has been shown. Let me recall to the mind of the Senator from New York that when the bill S. 700 was first introduced it had the indorsement of the Bureau of Indian Affairs, Department of the Interior, and was indorsed by the Pueblo Indians themselves after most careful consideration. That bill contained a gratuity feature so far as the 8,346 acres of land were concerned, and it was upon that consideration, and that consideration alone, that the consent of the Indians to the passage of the bill was obtained. Now, we are confronted with a situation where the bill has been fundamentally and radically changed, and yet there is no showing made as to the benefits which would accrue to the 8,346 acres of land except the general statement made by the Senator from New Mexico [Mr. BRATTON] that in his opinion they would be benefited to the extent of $150 per acre.

Mr. COPELAND. Mr. President, will the Senator yield again at that point?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As I understand it, there really is added to the mortgage on the raw land about $500,000, which is put there on the theory that a large improvement is made to the cultivated lands.

Mr. LA FOLLETTE. The Senator is correct in that statement.

Mr. COPELAND. That means that there is placed upon the raw lands a mortgage——

Mr. LA FOLLETTE. A debt.

Mr. COPELAND. A debt which, as I view it, could never be met.

Mr. LA FOLLETTE. A debt of $109 an acre.

Mr. COPELAND. In my section of the country if a farm were mortgaged for $109 an acre, it would be lost to the owner; so I take it that these raw lands are practically lost if this great burden is placed upon them. Does the Senate take that same view?

Mr. LA FOLLETTE. I am apprehensive, if the bill passes in its present form, unamended, that so far as the 15,000 acres are concerned they will ultimately pass from Indian ownership.

Mr. COPELAND. Certainly the Indians can never pay the enormous debt which is proposed to be placed upon them.

Mr. LA FOLLETTE. Not granting the justice of burdening these acres to that extent, I believe that the Indians could pay out if they were given a long period in which to do it and ample protection specified in the bill. But under the terms of the bill the Secretary of the Interior will fix the rate at which the Indians are to repay.

Mr. BRATTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I am glad to yield.

Mr. BRATTON. I disclaim any intention to interfere with the Senator while he is making his address, but let me remind him and also the Senator from New York of the fact that as long as the Indians own this land the lien is not foreclosable and that the Government can not take more than the proceeds of the leases upon the raw lands. How can the Indians be harmed if the legislation relieves them of what has been characterized as an intolerable condition gradually creeping upon them, which will drive them out of the valley and which will compel them to sever their tribal relations and go elsewhere, a thing that is of supreme importance to them?

Instead of their being confronted in the future with the condition that their land will become water-logged and alkali, and instead of their little villages being moved, under the terms of the bill their present 8,300 acres will be reclaimed in a modern way. Instead of irrigating it in a crude fashion they will irrigate it and cultivate it in a modern way.

The value of the land will be increased from its present value of approximately $25 an acre to from $150 to $200 per acre. In addition the yield upon that acreage will be increased perhaps fourfold. That is the thing that will occur to the present 8,300 acres, with the added fact that their water rights, which are now uncertain, undetermined, and unadjudicated, will become certain, determined, and adjudicated, and given a priority over any other rights in the district, as well as security against loss by abandonment or nonuse. That is the change that will occur as to the 8,300 acres.

Then as to the 15,000 acres, which is absolutely worthless to the Indians now, it is proposed to take that land and reclaim it at Government expense and make it worth a great deal of money, from $150 to $200 per acre. Under the amendment proposed by the Senator from Kansas [Mr. CURTIS], which I have accepted, the Indians will be entitled to use 4,000 acres without compensating the Government in any wise, so that they will be using the 12,000 acres of irrigated land with a modern system of reclamation. Then the Government takes the proceeds of the leases and applies them to reimbursing the Treasury, and that is all the Government gets as long as the Indians own the land, be it 50 years or 100 years or 200 years.

If any injustice or hardship shall be worked under this bill, it will be upon the Treasury of the United States and not upon the Indians. I desire to put these facts clearly in the RECORD to demonstrate that the argument of the Senator from Wisconsin [Mr. LA FOLLETTE] is based upon a misconception of the situation as it now exists, for he overlooks the fact that these Indians can not continue to live in that valley; they will be driven out, and the whites likewise will suffer the same fate.

Mr. COPELAND. Mr. President, they will be driven out by reason of the water logging of the land and the alkalinity of the soil?

Mr. BRATTON. They will be driven out, as the Senator suggests, by the water logging and the alkalinity of the soil. The water line is gradually rising.

The Senator from Wisconsin has stated that nobody has shown how the present acreage will be benefited. I said yesterday, and I want to repeat now—and then I am not going to interrupt the Senator any further—— .

Mr. LA FOLLETTE. I do not want the Senator to feel under any compunction about interrupting me; I am very glad to have him do so, because he was very kind to me when he was discussing the matter.

Mr. BRATTON. As to the benefit that will be derived by the 8,300 acres, I pointed out yesterday that the Indian Bureau has acted in conjunction with the district for more than a year now in developing this plan. We appropriated $50,000 in order that the Indian Bureau might cooperate with the district and might follow this plan as it was developed. The Indian Bureau has done that through its staff of engineers; its chief engineer is a member of the consulting board; so that the guardian of the Indians has kept in touch with this plan as it has developed. The Bureau of Indian Affairs has stamped its approval upon the project in so far as the improvement of Indian conditions is concerned. It has never departed from the course and never doubted its wisdom.

Moreover, the staff of engineers in the district and the consulting board of the district, composed of some of the most eminent engineers of the country, have stated that it will be an improvement, that it is being developed along proper and conservative lines, and that it should be encouraged.

Mr. President, I repeat that this bill, although different from what was contemplated at the outset, is not unjust to the Indians; it is not harsh upon the Indians. If it were, I would be the last one to stand here and defend it. I believe I know as much about the conditions there as does the Senator from Wisconsin; I believe my colleague [Mr. CUTTING] knows as much about conditions there as does the Senator from Wisconsin; I believe the Representative of New Mexico in the Chamber at the other end of the Capitol knows as much about conditions there as does the Senator from Wisconsin; I believe the governor of the State, who has sent an urgent telegram here indorsing the bill in its present form, and who is familiar with conditions, knows more about the conditions than do those who are opposing the bill.

The opposition to this legislation does not spring from the Indian Bureau; it does not spring from those who represent the State; but it springs from the secretary of the Indian Defense Society.

* * * * * * *

Wednesday, February 29, 1928

Mr. BLAINE. If the Senator will yield further, I suggest I do not believe the Senator wants to lead us to understand that we can take the benefits which would accrue to the district, excepting the Indians, and add all those together, and then take the total cost of the project and deduct the benefits assessed to all the others excepting the Indians, and then say the difference is the benefit to the Indians. That is not a legal rule. It is not a sensible rule. It is an arbitrary rule. Those who made the estimates might just as well have said that the amount of the benefits to the whites was less and assess against the Indians $2,796,796 or more. That is not the basis for making an assessment of benefits, as I understand the law. I may be mistaken, but I never heard of a drainage district or an irrigation district that ever made an assessment of benefits on that basis at all. It is a new thing to me. I do not quite understand it.

Mr. BRATTON. Mr. President, this consulting board has been on the ground; the Assistant Commissioner of Indian Affairs visited this project last fall; my colleague [Mr. CUTTING] and I are familiar with it; the Representative of the State of New Mexico, in the Chamber at the other end of the Capitol, is familiar with it. We are in harmony in our support of the measure. Moreover, no voice was raised in opposition to this proposed legislation until the $500,000 plus necessary to reclaim the 8,300 acres was converted from a gratuity into a reimbursable one. Then, for the first time, the question was raised that perhaps the Indians do not need this development; that perhaps the 8,300 acres will not be benefited, and perhaps the plans are not being developed along scientific lines.

Mr. BLAINE. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I yield.

Mr. BLAINE. In reference to the $563,000 plus, what proportion of that consists of a benefit to the 8,346 acres upon the usual legal basis on which benefits are ordinarily assessed?

Mr. BRATTON. If the Senator will consider the land at its present value of not to exceed $25 per acre, and then realize that after it is reclaimed it will be worth from $150 to $200 per acre, and that its yield will be increased fourfold, he may acquire some concept of what the benefits to that acreage will be.

Mr. BLAINE But, Mr. President——

Mr. BRATTON. And when the Senator has made the mathematical calculation suggested, he will see that the cost is entirely disproportionately low to the benefits that will be derived by the Indians.

Mr. BLAINE. If the Senator will yield, I should like to ask another question.

Mr. BRATTON. I yield.

Mr. BLAINE. If the Senator proposes to establish the rule for the assessment of benefits upon the basis of the difference of the value of land in its raw state and its improved state, that is another new theory to me. I do not understand that that is the accepted basis for the assessment of benefits.

Mr. BRATTON. Oh, no, Mr. President; when I said $25 an acre on the 8,300 acres I did not have raw land in mind; I had that particular land in mind.

Mr. BLAINE. I do not care what land may be contemplated, the measure of benefits, if there be benefits, is not upon the basis of enhanced value of the land by reason of improvements. The legal basis, and the equitable basis, confirmed by all our courts and by all legislation in every State where they have drainage and irrigation laws is the basis of actual benefits that accrue to the particular acreage within the district and not upon the enhanced value of the land because of the improvements, as I understand the law. If the latter were true, one could assess benefits far in excess of the actual expenditures that made it possible to cultivate and till and use the lands. Certainly no one will suggest that that is the correct rule, and I suggest I do not believe the Senator from New Mexico makes any such suggestion; but his argument, carried to its ordinary limits, is that because of the enhanced value of this land benefits will accrue to the extent of some $563,000 from that source. I should like to know the exact amount of benefits to accrue to these 8,346 acres measured by the cost of the improvement.

Mr. BRATTON. Mr. President, if I have not enlightened the Senator on that question I give up the task as being a hopeless one.

* * * * * * *

Thursday, March 1, 1928

Mr. LA FOLLETTE. Mr. President, the Senator from New Mexico raises the cry that is always raised here when matters of this kind are in controversy. If through all the history of Indian legislation the arguments and wishes of Senators and Members of the other House representing the States in which Indian lands and Indian property are situated had been accepted by this body, a much blacker record so far as the Indians are concerned would have been written than has been written.

I stated at the outset that it was not a pleasant task for me to rise on the floor and oppose a measure supported by the two Senators from New Mexico, but I am convinced that an injustice is being proposed, that a violation of an agreement or a substantial agreement between the Indian tribes and the conservancy district is about to be committed if this measure shall be enacted into law in its present form.

Mr. President, the Senator from New Mexico thinks that the only lien which can be enforced so long as the Indians own this land is that against the proceeds from the land, but if the entire yearly proceeds shall be taken under the reimbursable feature of the proposed act, as they may be taken, of course the interest of the Indians and their desire to retain ownership in this land will have passed; they would not be tempted to go onto this land to farm it, and then at the end of the year have the proceeds taken from them and turned over under the reimbursable features of this measure. That, Mr. President, is my reason for stating that I am apprehensive if this bill shall pass in its present form that ultimately the 15,000 acres or a large portion of that acreage will pass from Indian ownership into the ownership of the whites.

Much has been said on the floor about the diminution of Indian lands and it has been charged that that was due through the years to the encroachment of water upon those lands. As a matter of fact, I think I shall be able to show that the encroachment and resulting lessening of Indian lands occurred between about 1870 and 1910.

Mr. President, in my judgment, such loss of land as the Indians have sustained during their occupancy has been largely due not to waterlogging but to the encroachment of the whites upon Indian property. That has resulted in a controversy. Finally Congress enacted the Pueblo lands act in 1924 in order to settle that controversy and to establish procedure whereby the controversy between the Indians and those whites who, the Indians claimed, had encroached upon their lands could be adjudicated. I call attention to the fact that the adjudications with regard to the Santo Domingo pueblo, which, by the way, is within this conservancy district, have just been completed. There were contested about 641.8 acres, to which the Pueblos held title but which were occupied by the whites. Of that area, 550.71 acres were decreed to the whites and 91.9 acres to the Indians. That is an example, Mr. President, of how some, at least, of this loss of acreage on the part of the Indians has taken place.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Will the Senator from Utah permit me to complete the statement?

Mr. KING. Certainly.

Mr. LA FOLLETTE. I desire to direct the attention of the Senate to certain figures, which I take from hearings, concerning the question of the diminishing Indian acreage. I direct attention to the statement on page 350 of the hearings of 1923 on House bill 13452 of that session of Congress. The Assistant Commissioner of Indian Affairs furnished a table showing the Indian acres which the six tribes located in this conservancy district had under cultivation. According to his figures, the area was 4,841 acres. In 1927, according to the statement made on page 360 of the hearings before the House Appropriations Committee, there were 7,513 acres, which, I think, demonstrates the fact that these Indians have not been losing their land as a result of waterlogging to any great extent. Doctor Spillman informed me that these Indians as a result of experience through all the years had selected their lands on the higher areas and expressed the opinion that if there was any danger from waterlogging it was the result of the advance of civilization and not of faulty irrigation on the part of the Indians.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. CUTTING. I did not hear the Senator when he began his last statement. From whom did he get that information?

Mr. LA FOLLETTE. I obtained the information from Dr. W. J. Spillman, of the Department of Agriculture, a recognized authority on agricultural problems and an economist of note, who visited this area in connection with the investigation which he was making for the Department of the Interior.

Mr. CUTTING. May I ask the Senator whether Doctor Spillman is an authority on the history of New Mexico?

Mr. LA FOLLETTE. Mr. President, I did not ask the doctor about that; but I assume, as he is a scientific man, that he made a careful and impartial investigation.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. FRAZIER. I should like to say, in regard to that, that for a number of years Doctor Spillman has made a special study of irrigation projects under the Department of Agriculture all over the country; and I think he is probably as well posted on irrigation projects as anyone connected with the Agricultural Department.

Mr. CUTTING. It was merely the historical statement that I questioned.

Mr. LA FOLLETTE. Mr. President, it is asserted here over and over again that if this project goes through, these 8,346 acres will be benefited fourfold. I submit that the fact which is in the record that 3,500 Indians are now living on this area, and therefore that each 2½ acres supports an Indian, is sufficient contravention of the suppositious statement that the benefit to these 8,346 acres will be fourfold in character.

Also, Mr. President, it is reiterated over and over again, as a justification for what is being done in this bill with regard to the 8,346 acres, that the value of this land is to be enormously enhanced. The Senator from New Mexico talks about figures of $150 to $200 an acre. I do not know why he stops at $200. Why did he not go on? In that connection, however, I want to submit for the attention of the Senate and for the RECORD a statement contained in a publication entitled "Department of the Interior, United States Reclamation Service, in cooperation with the State of New Mexico. Reports and recommendations for the reclamation of the Middle Rio Grande Valley of New Mexico, 1924." Vernon L. Sullivan was the consulting engineer. Here is what he has to say concerning valuation:

> Present valley land valuations under existing uncertain conditions are about $100 for first-class irrigated land; $50 per acre for second-class irrigated land; $17.50 for alkali and salt grass land; $12.50 for swamp or submerged land; $17 for timberland; and river-bed areas, nothing.
>
> These lands, when drained, the alkali content is easily removed by leaching or irrigating, and when properly reclaimed their valuations would average far above $100 per acre over and above any reclamation costs that might be necessary to provide funds for the reclamation of the valley.

I also desire to read briefly from a table appearing on page 14 of that report, in which he says:

> Before reclamation—
>
> In figuring up the total valuations—
>
> First-class acres at $100 per acre.
>
> After reclamation—
>
> I assume he refers to first-class acres—
>
> $100 per acre.

Mr. President, it is admitted that under the terms of this bill as now drawn the 15,000 acres to be newly reclaimed will bear a reimbursable debt of $109 per acre. Senators in this Chamber who come from regions of the country where irrigation projects are in progress know better than I do that that is an excessive charge per acre to lay against any reclamation project. As stated by Doctor Spillman, a white farmer could not carry that load, let alone an Indian farmer.

Mr. KING. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. I ask for information. If the amendment of the Senator from Kansas [Mr. CURTIS] is accepted, which withdraws 4,000 acres from the 15,000 and renders it immune from payment, would not the burden placed upon the residue be much greater than $109 an acre?

Mr. LA FOLLETTE. I have not figured it out for the 4,000 acres; but on the suggestion that there should be 5,000 acres withdrawn, which was made yesterday on the floor, I figured out that the 10,000 acres would bear a burden of approximately $163.44 per acre.

It is not any defense to say that this lien can not be foreclosed, when it is provided that the proceeds from the leases are to be taken to pay this debt. Assuming that 5,000 acres of this newly reclaimed area were given to the Indians for farming purposes, and the other 10,000 acres were to bear a debt of $163.44 per acre from proceeds of leases, does any Senator contend that any Indian would continue to own that land or make an effort to farm it? He might just as well be a peon, because every cent of the proceeds from that land could be taken, under the terms of this bill, for the reimbursement of the charges which are made against the other lands. It comes down to a simple proposition—that in exchange for this area which the Indians are to be given, 10,000 acres, improved and irrigated, will ultimately pass into white ownership.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield.

Mr. BRATTON. The point the Senator has just made, in regard to the 4,000 acres——

Mr. LA FOLLETTE. I said "5,000 acres," Mr. President, because I had not made the calculation for 4,000.

Mr. BRATTON. Leaving 10,000 acres to be leased, and the proceeds of the leases to be applied to reimburse the Treasury—with that in mind, the Senator has just made the statement that the remaining 10,000 acres would bear a debt of $163 per acre, and about that he complains.

Mr. LA FOLLETTE. Does the Senator controvert that?

Mr. BRATTON. I want to call the Senator's attention to the fact that his position is to advocate that the Indians not only have a gratuity for the 8,300 acres, but that they must have a gratuity for 12,000 acres, because he waves that aside and complains that the debt is upon the remaining land. He overlooks the fact that the Government is reclaiming 12,000 acres of land and enhancing its value and improving the conditions, as I have endeavored to point out. He waves that aside as though that were not to be considered, and confines his view of the bill to the remaining 10,000 acres of land, and complains because the debt upon it is too heavy, forgetting that the Indians will be using the 12,000 acres in the manner I have indicated.

The pending bill amounts to this, and the Senator can not controvert this, that the total cost of reclaiming the Indian lands shall not exceed $67.50 per acre, and that the total cost of reclaiming white-owned lands is $77 per acre.

Mr. LA FOLLETTE. Seventy-six dollars and twelve cents, is it not?

Mr. BRATTON. Approximately $77, I think. It has been stated as $77. The Indian cost shall never exceed $67.50 per acre; but in figuring the reimbursement the cost is laid against the raw land that is now worthless to the Indians. The Senator can not continue to say, and I am sure he will not continue to say, that the cost is $109 an acre and $163 an acre, when, under the bill, it is not to exceed $67.50 per acre—a remarkably low figure.

Mr. LA FOLLETTE. I shall continue to make that statement, Mr. President, because my contention is that there is no justification for the claim that $67.50 per acre of benefits is to flow to these 8,346 acres of land; and I have argued here in vain if I have not impressed those Senators who gave me their attention on that point.

What this really comes down to is that the proponents of this measure, having been checked in their efforts to secure this bill with the gratuity feature in it covering these 8,346 acres, now contend that a benefit of $67.50 per acre will accrue to these 8,346 acres, because otherwise there would not be a vestige of an argument to justify the passage of this bill in its altered form, and altered, as I have pointed out, after the consent of the Indians had been formally given to its passage with the gratuity feature in it.

In that connection, Mr. President, I want to read a telegram from Sotero Ortiz, who for five and a half years has been president of the council of all the Pueblos involved in this matter. It was addressed to Mr. Collier under date of February 10:

We Pueblos never would have indorsed the conservancy bill unless we were promised freedom from reimbursable debt in all matters connected with our existing improved lands, because it is a betrayal of faith and ruin to us Pueblos if the reimbursable debt, $1,500,000, placed on newly reclaimed acreage.

Under date of February 12, 1928, Judge R. H. Hanna wired the senior Senator from New Mexico [Mr. BRATTON] as follows:

Do not feel authorized to waive reservations made by all Pueblo council, and am requesting Collier to take up discussion of these matters with you. Conservancy district, through Robey, in letter to me dated December 1—

Which I have already quoted—

referring to resolution, says we have conceded practically all that was in the resolution, and also the Indians have really a gratuity under this bill for the present cultivated areas.

I also desire to read into the RECORD in part a telegram addressed to Mr. Collier from Mrs. Mary Austin. She is the author of numerous books. One of them, The Land of Journey's Ending, is a standard historical and geographical treatise on the history of the Spanish occupation of the Southwest. She is also the author of The Land of Little Rain. I read in part from Mrs. Austin's telegram of February 23:

Urge all friends of Indians to oppose Senate bill 700 until amended to do justice to the Pueblo Indians of Middle Rio Grande Valley. From beginning Indians, through their representatives, sought cooperation and reasonable adjustment. Sudden alteration of bill without consulting Indians' representatives suggests premeditated betrayal, which will be resented by all honest citizens of State as a blot on its good name and an unnecessary destruction of valuable, economic, and cultural asset.

Mr. President, there is one other fact in connection with this situation that I want to draw to the attention of the Senate. In 1926 Mr. Pearce Rodey, attorney for the conservancy district, addressed a letter to Mr. John Collier concerning the cost at which they then thought they could reclaim these Indian acres. He said:

Of course, if it is found that only 15,000 or 20,000 acres of Indian lands can be properly reclaimed, then an appropriation of $600,000 or $800,000 would be sufficient. The chief engineer—

That is, Mr. Burkholder—

says that if it will help the bill at this time it might be wise to cut the appropriation to authorize, say, $700,000.

The attorney for this conservancy district and the engineer in 1926 estimated, respectively, that they could reclaim this Indian land for $35 or $40 per acre. Now, we find that this enormous increase is asked, and I reiterate that there is no showing in the record, either before the Senate Indians Affairs Committee or before the House Appropriations Committee, which justifies the assumption that these 8,346 acres are going to get any such benefit as is claimed by the Senator from New Mexico.

In connection with this debate, Mr. President, much has been made of the fact that the Assistant Commissioner of Indian Affairs, Mr. Meritt, has switched his position and given indorsement to the bill as it is now before the Senate. The Senator from New Mexico directed my attention particularly to Mr. Meritt's statement, which appears on pages 54 and 55 of part 2 of the Senate committee hearings. Mr. Meritt said:

First. The bill before the committee permits an agreement to be entered into between the Secretary of the Interior and officials of the district, and we propose to put in that agreement every provision that is possible for the protection of the Indians.

In answer to that, Mr. President, I submit that the Indian Bureau is indorsing this bill in its present form, and hence the statement of the Assistant Commissioner of Indian Affairs means nothing.

Mr. Meritt continued:

Second. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this bill, and the Secretary of the Interior is to determine what lands shall be included, and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore the district officials can not include any Indian lands within that district that are not subject to economic irrigation and cultivation.

In answer to that suggestion, I think it is clear that its only import is that new lands can not be included, to be paid for by the Government and the district, unless in the Interior Department's judgment they can be drained or irrigated. I see no protection in that statement for the 8,346 acres which form, in my judgment, the principal contention in connection with this bill.

Mr. Meritt said further:

Third. The cost of the improvements to this land is limited to $67.50 per acre over the entire 23,000 acres; $67.50 is not an excessive cost for irrigation.

Mr. President, in answer to that, I desire again to call attention to the statement made by Mr. Rodey, the attorney for the district, and by Mr. Burkholder, the engineer, in 1926, that this land could be reclaimed for approximately $35 to $40 per acre.

Mr. Meritt said:

Fourth. Another benefit the Indians will receive is the provision in the bill that the entire amount, 8,346 acres, has a guaranteed water right. That is a great protection to those Indians. Under the present conditions the Indians have no guaranteed water right on the 8,000 acres. There is no treaty provision with the Pueblo Indians that guarantees them any protection in their water rights. Therefore those Indians will not get the benefit of the decision of the Supreme Court in the Winters case, and for that reason it is a great protection for the Pueblo Indians to have this provision in the bill, and that is one of the provisions we insisted should go into the bill, after visiting the irrigation project.

Fifth. The water rights of the 15,000 acres are recognized in this bill, and they are protected in this bill. That is for the new land. The water rights, old as well as new, shall not be subject to loss because of nonuse or abandonment as long as title shall remain in Indians, pueblos, or individuals. That is another very great protection to the Indians of these pueblos.

Mr. President, it is my information that the laws of the State of New Mexico, including the statutes of limitation and laws of adverse possession, have no effect on Pueblo land grants, which are in no manner subject to the laws of the State of New Mexico. Whatever water rights the newly reclaimed Indian acres possess can not be taken away by any future operation of the New Mexico State laws. No new water rights are given to those acres by the pending bill.

There was at one time a question as to whether the New Mexico Territorial statutes of limitation and adverse possession applied to Pueblo grants, but when New Mexico became a State it renounced all sovereignty over those grants, and since 1912 no State laws have been operative on or affecting the Pueblo land grants.

In other words, Mr. President, the reference to water rights in this bill adds nothing to the water rights which the Indians now have and as to which they are secure in their possession unless they should be taken from them by a plenary act of Congress. The statutes of New Mexico can not apply to this question of water rights.

If there is any necessity to give citations for the contention which I have made, I refer to the enabling act for New Mexico, passed in 1910, and the New Mexico State constitution adopted in 1912. I wish to direct the attention of the Senate to the fact that the constitutionality of the provision to which I have referred was settled by the Supreme Court in 1914 in the so-called Sandoval case.

The sixth of Mr. Meritt's alleged benefits to the Indians under this bill is as follows:

Sixth. The 8,346 acres shall not be subject by the district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

That is another very great protection to those Indians. In all future years they will not be called upon to pay any operation and maintenance cost for the irrigation of lands within the pueblos now protected, which amounts to 8,346 acres.

Mr. President, that is merely a statement of the fact that the Indians can keep what they already have.

Mr. Meritt said next:

Seventh. The reimbursement shall be made out of rentals of newly reclaimed lands. In other words, the Indians occupying the 8,346 acres will not be called upon to pay out of the proceeds from their cultivated lands any of the reimbursable charges for the improvements. The reimbursable charges will be taken out of the rentals of the newly reclaimed lands.

That, of course, is a reiteration of the argument made by the Senator from New Mexico, and which I have endeavored to-day to controvert, namely, that these 8,346 acres will not receive the substantial benefit which it is claimed by the Senator from New Mexico they will receive, and which is the only justification upon which this bill in its present terms could possibly be supported in this body.

Mr. Meritt said, eighth:

There will be no lien upon the 8,346 acres for improvements or betterments.

That, Mr. President, falls in the same category as his statement No. 7. He said, ninth:

Ninth. Liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in pueblos or in individual Indian ownership.

That is another protection to the Indians, because in ordinary legislation that provision does not obtain.

Mr. President, I submit, in response to that contention, the fact that the reimbursement is to come from the lands while in Indian ownership from the proceeds of leases; that is, from the agricultural yield of the land.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. I understand that the Senator from Nebraska, who is in charge of the unfinished business, is unable to proceed with it this afternoon. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRATTON. I ask unanimous consent that the Senate may continue the consideration of Senate bill 700.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and the Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, in the second place, in response to the ninth item which the Assistant Commissioner of Indian Affairs lists as one of the reasons for supporting the bill, I should like to say that no lien, so far as I know, has ever been enforced against Indian lands under debt to the extent of alienating the ownership of the land from the Indians, and no steps could be taken under existing law.

The reimbursable liens generally are exactly like the land lien in the present bill, and repayment comes from sale of the land after the death of the Indian owner or from the proceeds of oil, timber, and so forth. In other words, it seems to me that the ninth argument the assistant commissioner advances, like some of the others, means nothing.

His next reason is as follows:

The department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total acreage of lands within the district. We will have a voice in the management of that conservancy district, and we can at any time have absolute control of conditions within the pueblos involved in this conservancy district.

The Assistant Commissioner of Indian Affairs favors the bill in the form in which it is now presented to the Senate, and I for one find little consolation in so far as the Indians are concerned in that statement.

Eleventh, said Mr. Meritt:

Indian lands are not taxable as long as held by Indians. Under the terms of this bill they will not be required to pay any taxes as long as they own the lands, and they are in Indian ownership, either individual or tribal.

There is nothing in the bill about taxation. The lands do not pay any taxes now any more than any other lands held in trust for the Indians are paying taxes. So that statement means nothing.

Twelfth. Indians are not required to pay any interest on moneys advanced by the Government. Under the terms of this bill they will not be required to pay interest for the loan of this money, even if it is not returned to the Government within 100 years.

So far as I know, no reimbursable loans to any Indians have ever been required to pay interest to the Government, and so, of course, in so far as this defense in support of the bill is concerned, it falls to the ground.

Thirteenth. The Indians will get a very great benefit by reason of flood protection under the terms of this bill. That land is subject to flood, and property there has been destroyed because of floods, but under the terms of this bill the Indians will get the benefit of flood protection.

The statement made by Mr. Meritt concerning flood protection to these Indians is not supported in the hearing. No showing was ever made as to any considerable damage the Indians have ever suffered as the result of floods. Of course, the Indians at any time of high water occasionally have their ditches washed out, but they are repaired and have been repaired for 300 years by the Indians themselves on the ditches or laterals. So that to say that now they are in a position where they have to have immediate flood control and relief is absurd. As a matter of fact, I am informed that in 1921, a year of high water, when the town of Pueblo was flooded, none of the Indian land in controversy was damaged by flood. A few low main river bridges were washed out, but in so far as the contention is advanced that the Indians are in immediate need of flood control the statement of the commissioner is not supported by the facts. Certainly it is not supported by any showing in the record.

Let me say in passing that there are interests in New Mexico that do want flood control, but they are not the Indians. The urban centers in New Mexico are very anxious for flood control and flood prevention, which may result from the bill. It is not the Indians who are asking for flood control. It is the urban communities of New Mexico which are interested. When they could not get this gratuity of half a million dollars or more against the 8,346 acres of land they were so anxious for flood control—and I refer to the white urban centers in New Mexico—that they now take the position that it is perfectly justifiable to charge the Indians with the debt in order that they may get it at once.

Let me repeat what I said at the outset, that this body of the Congress will not have discharged its obligation in this matter, in view of the controversy which has arisen, until it has exhausted every legislative step which can properly be taken in the matter. I say that it has not exhausted those legislative steps merely because an amendment is put on a bill in the House and we are then informed that the legislation can not pass. It is argued that we must accept the House amendment without either amending the House text and thus sending back to the floor of the House where it would come up on its merits, or else rejecting the House amendment and asking for a conference with the House. In my judgment, it is absurd for Senators to say that until we have taken those steps and find ourselves in absolute and utter disagreement with the House, such legislation can not be enacted.

Now to go on with Mr. Meritt's alleged arguments in favor of the bill:

Fourteenth. I want to emphasize that the Indians will also receive a very much increased value for their property by reason of the terms of this bill. It will cost the Government $67.50 to irrigate this land, but the Indians will have property, after it is irrigated, estimated to be worth anywhere from $150 to $200 an acre.

I have already submitted the statement, particularly that made by Mr. Vernon Sullivan, the consulting engineer, that land in this valley will be worth approximately $100 an acre, and, at the outside, $150 an acre, even after all the work that is contemplated in the bill shall have been undertaken.

Fifteenth. The Indians, under the terms of this bill, will not be required to pay any of the irrigation charges so far as the 8,356 acres are concerned out of their products, but the white lessees will pay practically all of the reimbursable charges that are enforced under the terms of this bill.

Mr. President, upon what theory could the Assistant Secretary of the Interior make that statement? The only theory, as I see it, upon which he could have made that statement is that some of this land is going to pass into white ownership; because, so far as the terms of this bill are concerned, the white lessees will not pay one cent of the reimbursable debt on the Indian lands. They will pay a rental as high, and no higher, than the rental they would have to pay on the 80,000 acres of land owned by the whites that are to be reclaimed. This bill provides that the reimbursement shall come from the proceeds of leases. That means that it will come from the moneys received by the Indian owners of land from the leases, and as I have previously pointed out, if these newly reclaimed acres shall be shouldered with this enormous burden there will be no motive for the Indians to retain their ownership, because all of their proceeds may be taken under the reimbursable provisions of the bill. So much for the argument made by this alleged guardian of these Indians on behalf of this indefensible bill.

Mr. President, the issue raised here is an important issue. It comes up again and again in legislation where the whites have interests and the Indians have interests which are in conflict. I had believed that during recent years the attitude of Congress

had changed; that there was a recognition of the long line of injustices which have been perpetrated against the Indians by legislation through the years of the history of this Government. It had seemed to me that the attitude, especially of this body, had changed; that we had reached a point where a majority of the Senate would look upon these questions in conflict between the Indians and the whites with an impartial eye, would weigh all the evidence, and come to a just determination; but it seems, Mr. President, that perhaps that is not to be the case in so far as this bill is concerned.

Much work has been done on both sides of this Chamber to line up Senators for the bill. That has been accomplished by ex parte statements. Perhaps the votes have been gathered in to "put across" this injustice to the 3,500 Pueblo Indians—peaceful, civilized Indians—who over the years of written history have never waged warfare against the United States. They are a simple, agricultural folk. Under the laws of New Mexico they are disfranchised. They can make no protest at the ballot box for what may be done here in their name.

Mr. President if this can be done, if such an injustice may be perpetrated in the name of the Indians, then this Chamber has about-faced, and we must prepare to wage continued battles against the encroachment of the white interests upon the interests of the Indians, as was the case when my illustrious father came to this Chamber in 1906. Single-handed and alone he fought time after time against legislation which contained contemplated injustices against the Indians. As a result of that contest which he waged here year in and year out, I think he impressed his point of view with regard to the Indians upon the Members of this body. But now we are confronted with a situation where an agreement with these Indian tribes is about to be violated without their consent, a committee of this Chamber, by a majority vote of one, having been induced to report out this breaching of that understanding.

Mr. President, we are now told that the votes have been gathered in to perpetrate and consummate this injustice. If that be true, and if the roll call shall demonstrate that fact, then in a few years we shall be called upon to pass remedial legislation to undo this injustice which is contemplated with regard to these Indians.

Now let me say a few words with regard to the amendment which I have offered to the amendment which has been proposed by the senior Senator form Kansas [Mr. CURTIS]. The proviso on page 3 of the House amendment reads:

Provided, That such reimbursement shall be made only from proceeds of leases from the newly reclaimed Pueblo lands. * * *

At that point in the proviso the amendment the Senator from Kansas proposes to add the words:

except such part thereof as the Indians shall themselves farm.

The Senator from Kansas has accepted an amendment offered by the Senator from New Mexico [Mr. BRATTON], adding the words at the end of his amendment, "not to exceed 4,000 acres." So not more than 4,000 acres of this newly reclaimed land will be subject to the exemption.

My amendment provides:

but no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

The purpose of the amendment which I have offered—I have only offered it because in the extremity of the situation it appears that perhaps it is all we may obtain—is to permit the Indian owners to repay out of the 11,000 acres which they may have under lease no more rapidly than the white owners of land of like character shall pay. The result of the pending legislation, if enacted, will be to burden the 11,000 acres with an enormous debt, but if my amendment shall prevail it will permit the repayment of that debt over such a long period of years that it will protect the Indians against an exorbitant rate of collection.

I had hoped that we could reach a compromise upon this question, but the Senator from New Mexico has served notice that he will resist my amendment. I desire once more to say that I would not have offered the amendment except for the fact that the Senator from Kansas has offered his amendment. In my judgment, this bill should have been amended in such manner as to conform in general terms with the provisions of Senate bill 700 when it was reported unanimously from the committee and unanimously passed the Senate.

I hope, Mr. President, that the amendment which I have offered to the amendment of the Senator from Kansas may prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment proposed by the Senator from Kansas [Mr. CURTIS].

Mr. FRAZIER. Mr. President, it seems almost useless to discuss this measure further. There are only a few Senators on the floor, and apparently those who are not here have made up their minds on the question; at least, that would seem to be the case. There is a great deal of interest being taken in the measure, however; and, of course, the record which is made may be of some value in future cases that may arise concerning the Indians.

The Senator from Wisconsin has gone into the question very fully, and has, I think, given a very fair interpretation of the whole measure. One statement that he made near the close of his remarks rather interested me and that was that the Indians of New Mexico could not vote under the constitution of that State.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. FRAZIER. I yield.

Mr. CUTTING. I will say for the information of the Senator that the statement made by the Senator from Wisconsin to which he has just referred is not entirely correct. The Pueblo Indians of New Mexico have the same rights which they had under the Mexican Government and which were guaranteed to them by the treaty of Guadalupe Hidalgo and by the enabling act, namely, that they may vote if they pay taxes. That is the legal status of the Indians of New Mexico to-day.

Mr. FRAZIER. In other words, if the Indians of New Mexico do not pay taxes they can not vote; and, of course, the Indians who are on these allotments or reservations under the protection of the Government do not pay taxes, and therefore do not vote.

It seems to be the attitude of some people that the Indians do not amount to much; that they have no rights to be considered. They have been crowded back out of the way to make way for civilization, and some people in the past and some people still seem to feel that the Indians should be further crowded out of the way to give the best of their lands to the white people, who might cultivate them and make better use of them, in a way, than the Indians are making.

In the past, treaties have been made with the Indians by the United States Government. In many instances those treaties have unquestionably been violated. There have been times in the history of Indian legislation when, after treaties have been made solemnly pledging the Government of the United States to carry out the provisions of those treaties with the Indians, Members of one House or the other of Congress would introduce a measure which seemed to be in violation of the treaty. The Members would state that they knew the case; they knew what the situation was; they knew what was needed. They may have been perfectly sincere in their statements; but many times those bills have been forced through both Houses of Congress and have proved afterwards to be violations of the treaty that had been made with the Indians; and many cases are now pending in the courts, especially in the Court of Claims, growing out of the apparent violations of treaties.

In every session of the Congress since I have been here the Indians and their representatives have come before the Indian Affairs Committee and asked for the privilege of going into the Court of Claims to establish claims against the United States Government for violation of treaties, and many of those requests have been granted; and there are many cases now pending in the Court of Claims of the United States to test out the violation or the claimed violation of those treaties.

Two or three years ago I was on a subcommittee of the Indian Affairs Committee that went to Minnesota to investigate Chippewa Indian affairs in that State. Some of those Indians, it is true, spoke through interpreters, but, nevertheless, they seemed to be mighty well informed and to know what they were talking about. Those Indians told what their treaties had been and how they had been violated, some of them violated by act of Congress here, by measures put through Congress by Representatives from the State of Minnesota, to the detriment of those Indians. The result of the investigation was that the committee recommended the passage of a measure to give the Chippewa Indians of Minnesota the right to go before the Court of Claims and establish their claims there against the Government of the United States. The bill was passed in the Senate. It went over to the House and was referred to the Committee on Indian Affairs over there. That committee changed the measure considerably, and it came back here amended so that the attorneys for the Chippewa Indians claimed that it would be useless. It was referred back to the

Committee on Indian Affairs here, and we put up a fight, and the bill was put back in its original form, and finally passed; and the Chippewa Indians, through their attorneys, have cases filed in the Court of Claims to establish their rights.

I might go on almost indefinitely and cite cases where the Indians have been defrauded.

Since I have been in Congress a Member of the Senate from one of the Southwestern States introduced a bill here, and it was indorsed by the Indian Bureau, too, as I recall. It was found that that bill, if passed, would wipe out the rights of a lot of Indians in that State; it would wipe out the title to their lands. Of course, that Senator said that he knew all about the situation, because he was there, and represented those Indians, and he had been over the ground, and knew all about it. The bill was finally defeated, or at least that part of it, and it was amended so as to make it quite a fair bill, I understand; but I mention that to show you that sometimes even the representatives of the State which proposed legislation is to affect, either through misinformation or something else, have not known what the situation is.

Last spring it was my privilege to visit some of the Southwestern States of this country and to visit several Indian reservations there. I went across a bridge out in one of those Western States for which the Congress appropriated some $300,000, and made it a reimbursable charge to the Indians. It was on the Pima Reservation. It was a very fine bridge. It originally had electric lights on it. It was out about 15 miles from any town, as I recall, but on a public highway; and, of course, a bridge was needed there for this highway between two of the large cities of that State; and the bridge was very finely equipped. There had been electric-light fixtures on it, and all that. They had been taken off, but it was evident that there had been electric-light fixtures there. That bridge is near the end of the reservation. The Indians, in going to the town where they do their trading have a fording place that they use almost all the year around, as I understand; but at times the water is too high, and perhaps they come around on the bridge. But the main use of the bridge was for the white tourists and white settlers who travel there, and not for the Indians, and yet its cost was made a reimbursable charge against the Indians.

On the Pima Reservation, which is the home of one of the so-called peace tribes of Indians, there were old irrigation ditches, or what seemed to be irrigation ditches, that those Indians had used years and years ago. In fact, in some places there were trees a foot or more in diameter growing in those old ditches that the Indians had used. Back as far as the Civil War time the Indians of the Pima Reservation produced a lot of wheat and furnished it to the United States Government, which needed it at that time, and they did it through the irrigating project on their own land. You may ask why the Pima Indians are not using those irrigation ditches now. I will tell you—because a Government irrigation project was put through up above them on the river, and the water was all taken for the white settlers, and the Indians were left without any water to irrigate their lands; and so they are dry farming now, except in the few places where they can get water from deep wells to irrigate.

It is claimed that the Coolidge Dam, which is now under construction out there, will take care of those Indians. I hope it will, but there is a little doubt in my mind yet whether they will be taken care of under the proposed project.

There are many instances of that kind. Why, I recall, since I have been a Member of the Senate, that a bill was passed through the House in regard to the Indians out in one of the Southwestern States. It came here, and a Member of the Senate from that State reported the measure from the Indian Affairs Committee for passage here; and when it was explained to him what the bill really meant, he got up here on the floor of the Senate and fought that bill to the last ditch.

The bill now under discussion is not a new proposition at all. It has been under consideration for several years, and I can not understand why there is all this rush about getting it through at this time. It is said that if we do not agree to the present amendment of the House the bill will fail to pass, and it will be a great detriment to the Indians and to the whites down there in New Mexico. The Indians have lived there for some 300 years that we know of, and in all probability they lived there for hundreds of years before the white people knew anything about them, and the chances are that they could continue to live there for a long time to come even if this project should not go through.

Back in the last session of Congress, on April 19, 1926, a bill was introduced in both the House and the Senate for practically the same measure. An interesting thing, however, is that that bill only asked for an appropriation of $1,200,000 for the Indian lands; and it was stated that the work could be done for even less than that if necessary. Engineers who had made two surveys of that project stated that the work could be done for even less than the $1,200,000—probably for seven or eight hundred thousand dollars if necessary. Then the present bill was introduced in both the House and the Senate at the beginning of this session. The original bill, as it was introduced at this session, authorized an appropriation of $1,752,000 plus. Then there was a conference between the engineers and the representatives of the conservancy district of New Mexico and the Indian Bureau, and the authorized appropriation was cut down to $1,593,000; and that is the way it now stands. It seems just a little strange that there is such a difference in the amount of the appropriations that have been asked for.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. FRAZIER. I am glad to yield.

Mr. BRATTON. I do not want to interrupt the Senator, but I do not want him, without knowledge of the facts, to leave the Senate under a misapprehension of the facts.

The figures stated in the bill introduced in April, 1926, were made nearly two years ago, before the survey of this project had advanced practically at all, and before the engineers had any comprehensive data comparable with the data they have to-day. That accounts for the variance between the figures in that bill and the figures in the bill to-day.

As to the figure in the bill we are now discussing being reduced from $1,700,000 plus to $1,593,000 plus in the figure originally found in the bill 10 per cent was allowed for contingencies—a thing that is very common in construction of this and other kindred kinds. In discussing the matter with the bureau and before the committees it was decided to remove the allowance of 10 per cent for contingencies, and fix the exact figure they agreed upon as the maximum cost. That was done.

I think the Senator and the Senate should know those facts.

Mr. FRAZIER. I recall that 10 per cent proposition; but at the time the bill was introduced in 1926 it was stated before the Indian Affairs Committees of both the House and the Senate that two surveys had been made up to that date.

Mr. BRATTON. Upon that, if the Senator will suffer another interruption, those surveys were not made by engineers of the district; and if the Senator is laboring under that belief he is mistaken. One of those surveys was made in 1923, as I now recall, by a man named Gault, an engineer in the Bureau of Reclamation. He did not represent the Bureau of Indian Affairs. He did not make a survey of this particular area, but he made one of the entire Rio Grande Valley. In the following year an engineer of El Paso, Tex., named Sullivan, made another survey of the Rio Grande Valley. Neither of those surveys was confined to the area embraced within this bill, and neither of those engineers had in mind the project we are now considering.

Mr. FRAZIER. On February 19, 1927, Representative MORROW, of New Mexico, made a statement, which is to be found in the CONGRESSIONAL RECORD on page 4246, in which he stated that—

The engineers estimate that under the project the cost for irrigation and drainage, not including storage, is about $35 per acre.

There seems to be lots of difference of opinion in regard to the cost of this irrigating project, and judging from the history of irrigating projects, they generally cost a lot more than the estimates.

Mr. BRATTON. Mr. President, will the Senator suffer a further interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The Senator recalls that there is a letter in the record, over the signature of Doctor Mead, which states that the average cost of reclamation during the last five years has been about $90 per acre. When that fact is taken into account, coupled with the conclusion reached by the consulting engineers from several States, the engineers for the bureau, and the engineers for the district, how can the Senator assert that the cost here is excessive, in the face of the combined judgment of all engineers who have dealt with the proposition?

Mr. FRAZIER. Mr. President, I was only quoting engineers, and figures that have been given, and the only assertion I will make in regard to the excessive cost included in this bill is in regard to the amount of Indian land that is now under cultivation, and has been for years and years, the 8,346 acres. There was nothing in the hearings, so far as I can recall, to show that it would cost $67.50 an acre on that 8,346 acres to put it in shape for this project.

Mr. BRATTON. Mr. President, will the Senator permit another interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The difficulty in which the Senator finds himself is his utter unfamiliarity with the facts. If this land is reclaimed, the present antiquated system of ditches will be

utterly disregarded. The district would not use those ditches in any sense. That land would be reclaimed as raw land would be, because the system which the Indians have now is worthless, and could not be used in giving that land a modern system of irrigation. So that, so far as the cost of construction is concerned, that land might as well be raw land as to be in the shape in which it is now.

Mr. FRAZIER. It has been said in the hearings that the Indians were going to do all the work except on one main ditch.

Mr. BRATTON. That relates to maintenance, not construction. It relates solely to maintenance, when the water is turned out of the canal onto the Indian lands.

Mr. FRAZIER. As I understand it, this particular land of the Indians is a little differently situated from a great many irrigating projects, and practically all that is needed is just one main ditch, and the water will be let out in laterals and will be easily taken care of and easily provided for.

Mr. BRATTON. In response to that the Senator stated a while ago that he made a trip through the Southwest last year. Let me ask him if he went on this project then, or at any other time?

Mr. FRAZIER. No; I have never been to this project.

Mr. BRATTON. The difficulty under which the Senator is laboring is his utter unfamiliarity with conditions. I have endeavored as best I could to help him overcome that handicap.

Mr. FRAZIER. I appreciate the endeavor of the Senator from New Mexico.

I want to go on now with a little history of this bill. Senate bill 700 was introduced in the Senate and a similar bill was introduced in the House. Before they were acted upon by the committees, amendments were suggested. Those amendments were agreed upon at conferences participated in by practically all concerned. I have telegrams here to show that the Indians had agreed to the provisions of the original bill. Apparently it had been difficult to get the Indian council of Pueblos down on this land to agree to the bill that was wanted. But the proponents of the project finally got them to agree to the bill as it was amended and finally referred to the committees in each House.

After a hearing before the committee in each House the bills were reported out and went to the calendars. The Senate committee bill passed the Senate and went over to the House. When the House bill was reported from the committee and was reached on the floor of the House the Representatives from New Mexico, as I recall, moved to substitute the Senate measure for the House bill, and that was done. Then a member of the Committee on Appropriations of the House rose and made a motion to strike out everything after the enacting clause and to insert a substitute measure. The substituted measure was similar to the original, but with two or three very vital changes, and those vital changes absolutely violated the agreement and the promises that were made to the Indians in order to get them to indorse the measure.

The Senator from New Mexico nor anyone else will dare stand up here on the floor of the Senate and deny that statement.

If the time has come when we are going to disregard the promises we make to the Indians, if we are going to treat them as children, or worse than children, and as not entitled to any consideration, then let us agree to this House amendment. If we are going to live up to our promises, let us keep those promises, and insist on the original bill as referred out by both committees and passed by the Senate.

The Indians down there were told that there would be no charge against the 8,346 acres which they have cultivated for hundreds of years. It is said that in prehistoric times they cultivated 25,000 acres down in that valley. Perhaps they did; but since white men have lived in that country, since we have had a history of the country, 3,500 Indians have lived on that land and apparently have gotten along pretty well. One of the engineers has said that this land is their bread and butter, and everyone concedes that they have made a fairly good job of the work on that land.

The Senator from New Mexico says that if this new project should go through it would undoubtedly increase the fertility of that soil fourfold. Perhaps it might; but after that land has been farmed for centuries it is pretty hard to make me believe that a little additional water put on the land would increase the fertility fourfold.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. KING. The fact of the matter is that those Indians do not require additional water. They have a priority. They were the first settlers. Their rights were antecedent to all other rights. They have no desire for additional water supplies. There is more water than the original settlers require. So that no claim can be made, with any validity, that this measure would increase the water supply for that 8,346 acres, because, as stated, that land requires no additional water rights.

Mr. FRAZIER. Further than that, Mr. President, these Indians have not only been cultivating this land for hundreds of years, but if there is any waterlogging it is due, as has been stated in the hearings several times by engineers and representatives from that section of the country who know the situation, to civilization and not to anything the Indians have done. As long as the Indians are wards of the Government, it seems to me, in view of the fact that they have cultivated that land for hundreds of years and made their living there, that if any change is to be made, the expense should be borne by the Government and not charged up to those Indians. That was what the original bill, as introduced here and passed by the Senate, provided.

Mr. President, the Senator from Wisconsin has introduced a number of telegrams and statements from people who are interested in this matter, representatives of the Indians and others who are very much interested and feel that an injustice will be done to the Indians if the House amendment shall be agreed to. I have here a telegram that was sent to the junior Senator from Maryland [Mr. TYDINGS], which states:

BALTIMORE, MD., *February 28, 1928.*

Senator MILLARD F. TYDINGS,
United States Senate, Washington, D. C.:

Large group Baltimore women, including heads of several large women's organizations, in meeting assembled with Fortnightly Club strongly urge that Senate bill No. 700 be so amended as to fully protect interests of Pueblo Indians, and that you, as our representative, advise the Senate of our wishes in this matter.

ANNA N. KAY, *Secretary.*

I also have a telegram addressed to Senator WALSH from Santa Fe, N. Mex., which states:

SANTA FE, N. MEX., *February 17, 1928.*

Senator WALSH,
Senate Office Building, Washington, D. C.:

We insist upon our objection to the Cramton amendments to conservancy bill, S. 700, and believe they would be dangerous to the future welfare of the Pueblo Indians, and we indorse S. 700 as originally reported out of committee and passed by the Senate for the reason that it definitely safeguards the interest of the Indians.

EXECUTIVE COMMITTEE NEW MEXICO
ASSOCIATION ON INDIAN AFFAIRS,
MARGARET MCKITTRICK, *Chairman.*

Mr. President, I could read many other statements of that kind, but I do not know that it is necessary, so much has been said and so many telegrams have been inserted in the RECORD already.

These 8,346 acres which have been under cultivation all these years by the Indians, and off which they have made their living, it seems are right in line where the water for this project will have to come in order to furnish water for this land and the rest of the project. It is a fact that one of the engineers stated that the present irrigating project of the Indians was not worth one cent to this conservancy project, and that may be true. Nevertheless, the present system is worth a lot to the Indians, because they have made a living off that land for centuries.

There is a very grave doubt in my mind as to whether or not this proposed project will increase the value of the Indian land to any material extent; that is, I believe it would not cost the project the $67.50 an acre that is to be charged up against the Indian land.

Of course, under the Cramton amendment the 8,346 acres would be exempted from this reimbursable charge, but it is placed on the balance of the land, the other 15,000 acres, making a total charge against the 15,000 acres of something like $100 per acre, which is, of course, a higher charge than is made against the white land, and it seems to me it is absolutely unfair.

More than that, it would mean, I believe, confiscation of that land ultimately. There is something in our Constitution which says that property may not be taken away from our citizens without due process of law, but the Indians apparently are not considered in that connection.

Mr. KING. And with just compensation.

Mr. FRAZIER. Yes; and with just compensation, but the Indians obviously are not considered as coming under the Constitution of the United States. It would seem so at least, not only in this case but in hundreds of other cases in the treatment of Indians in this great Nation of ours.

* * * * * * *

Mr. LA FOLLETTE. Will the Senator explain what that parliamentary situation is?

Mr. CUTTING. I do not think we have to go into this thing in great detail. I am sure the Senator is just as familiar as I am with the fact that enough opposition has been developed in the House to the bill with a gratuity feature in it as to make it absolutely certain that it can not pass in that form.

Mr. LA FOLLETTE. Just what is that opposition? There is nothing in the RECORD that I have been able to find to show it. All that we have before us, so far as the official record in this matter is concerned, is that the House exercised its right to attach an amendment to the Senate bill. We have nothing but the statements made by the senior Senator from New Mexico, and now reiterated by the junior Senator from New Mexico, that unless the Senate pass the measure without further attempt to investigate the matter before the House, or to exercise its right to amend the House amendment, the legislation must fail. There has been so much of that kind of loose statement made here that I should like at this time to have some specific understanding of just what the parliamentary situation is that prevents the Senate from amending this amendment in such manner as it sees fit.

Mr. BRATTON. Mr. President, will my colleague yield to me?

Mr. CUTTING. I yield.

Mr. BRATTON. In reply to what the Senator from Wisconsin characterizes as so much loose talk, I want to say to him that the Congress will not abandon a policy that has prevailed unbroken for 15 years. The Senator knows that this whole controversy revolves around the policy of whether appropriations like this one are going to be reimbursable, or in the form of a gratuity.

Mr. LA FOLLETTE. Mr. President——

Mr. BRATTON. The Senator will allow me to complete my statement. The reimbursable policy has obtained for the last 15 years. It was inaugurated in 1913. This bill will not pass with a gratuity feature in it, and if the Senator will take as much time to investigate that as I have done, and as my colleague has done, he will reach the same conclusion, namely, that the policy of making appropriations for reclamation of Indian lands reimbursable is not going to be broken as to this bill, or any other legislation in the near future. It is the unbroken policy that has obtained for 15 years. That fact makes it impossible to enact this legislation in the form of an exception to such general policy. That has been investigated thoroughly, and the Senator must have advised himself about it.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator if there were not reimbursable features concerning Indian water rights for agricultural purposes in the last appropriation bill that passed at this session of Congress.

Mr. BRATTON. For agricultural purposes?

Mr. LA FOLLETTE. Yes.

Mr. BRATTON. I am speaking about reclamation projects. I do not know as to the other. I am informed by the Bureau of Indian Affairs, and from other sources, that this policy of making appropriations for reclamation of Indian lands has obtained now for about 15 years, and there are those who are strongly committed to it. I am absolutely convinced that the policy will not be departed from in this case.

Mr. LA FOLLETTE. Mr. President, if I may trespass further on the time of the junior Senator from New Mexico, and let me say to him that I have no disposition to break the connected character of his argument——

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. I requested a more definite statement of the basis upon which the Senators from New Mexico founded their contention that this legislation must pass in this form or not at all, and all that I get from the Senator is a statement to the effect that his information indicates that there has been a policy since 1913 of making all Indian reclamation work reimbursable. Waiving, for the moment, the question of whether or not the Senator's information is correct in that matter, it still does not explain the particular situation in which this bill rests.

The Senate can amend the bill in such a manner as it thinks is just under the circumstances, and can then message the bill over to the House. The question will come up on the floor of the House and be discussed there on its merits. As I stated in my remarks this morning, until the Senate has either taken that course or taken the course, which is perfectly legitimate, of rejecting the House amendment and asking for a conference, I maintain that it has not exhausted the perfectly legitimate and usual procedure in matters of this kind.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. KING. It seems to me that the two Senators from New Mexico, able and earnest as they are, postulate a static condition, namely, that there must be appropriated one million five hundred ninety and odd thousand dollars, and in order to give reasonableness to such an enormous appropriation, they assume that the entire twenty and odd thousand acres are to be reclaimed. They forget that 8,346 acres have been reclaimed; that there are valid rights, of which the Indians may not be deprived, rights which were sanctified, if that is a proper term, by the enabling act under which New Mexico came into the Union, and by the constitution of New Mexico. The rights of those Indians were confirmed and may not be taken from them. Those Indians are not asking that those 8,346 acres shall be reclaimed. They have already been reclaimed. They are not asking for water rights or for the protection of their water rights. They have valid rights of which they may not be deprived by the State of New Mexico or by the Federal Government.

Therefore, the whole question is not as to this question of a gratuity, one of $500,000 plus. We may result that, if the Senators will consent to the elimination of the $596,000 from the bill, and seek an appropriation of $1,000,000, and then allocate that to the 15,000 acres which are to be reclaimed, making approximately $67 per acre as the basis. If that were done, there would be no controversy, in my opinion.

* * * * * * *

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sheppard
Barkley	Ferris	McKellar	Shipstead
Bingham	Fess	McMaster	Smith
Black	Fletcher	McNary	Steck
Blaine	Frazier	Mayfield	Steiwer
Blease	George	Metcalf	Stephens
Borah	Gerry	Moses	Thomas
Bratton	Glass	Neely	Tydings
Brookhart	Gooding	Norbeck	Tyson
Broussard	Hale	Nye	Wagner
Bruce	Harris	Oddie	Walsh, Mass.
Capper	Harrison	Overman	Walsh, Mont.
Caraway	Hayden	Phipps	Warren
Copeland	Heflin	Pittman	Waterman
Couzens	Howell	Reed, Pa.	Watson
Curtis	Jones	Robinson, Ark.	Wheeler
Cutting	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	King	Schall	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment offered by the Senator from Kansas [Mr. CURTIS] as modified.

Mr. LA FOLLETTE. I ask that the clerk state the amendment pending to the amendment, and upon that question I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. The modified amendment of the Senator from Kansas is, on page 3, line 20, to insert after the word "lands" the words "except such part thereof as the Indians shall themselves farm, not to exceed 4,000 acres."

At this point the Senator from Wisconsin proposes to insert:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the middle Rio Grande conservancy district.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified. On that question the Senator from Wisconsin asks for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. Not knowing what his position would be on this matter, I transfer the pair to my colleague the junior Senator from Florida [Mr. TRAMMELL], who is unavoidably absent, and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. NYE (when his name was called). I desire to announce that on this question I have a general pair with the senior Senator from Missouri [Mr. REED]. I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS], who is unavoidably absent. I make that transfer and vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "nay."

The roll call was concluded.

Mr. JONES (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him with a pair. I understand, however, that he would vote on this question as I have voted. Therefore I will allow my vote to stand.

Mr. TYDINGS. I am paired with the Senator from Oklahoma [Mr. PINE]. I transfer that pair to the Senator from Delaware [Mr. BAYARD] and vote "nay."

The result was announced—yeas 14, nays 57, as follows:

YEAS—14

Blaine	Frazier	McMaster	Shipstead
Borah	Howell	Neely	Wheeler
Brookhart	King	Nye	
Copeland	La Follette	Schall	

NAYS—57

Ashurst	Edge	McKellar	Steiwer
Barkley	Ferris	McNary	Stephens
Bingham	Fess	Mayfield	Thomas
Black	Fletcher	Metcalf	Tydings
Blease	George	Moses	Tyson
Bratton	Gerry	Oddie	Wagner
Broussard	Gooding	Overman	Walsh, Mass.
Bruce	Hale	Phipps	Walsh, Mont.
Capper	Harris	Reed, Pa.	Warren
Caraway	Harrison	Robinson, Ark.	Waterman
Couzens	Hayden	Robinson, Ind.	Watson
Curtis	Heflin	Sackett	Willis
Cutting	Jones	Sheppard	
Deneen	Kendrick	Smith	
Dill	Keyes	Steck	

NOT VOTING—23

Bayard	Goff	Norbeck	Shortridge
Dale	Gould	Norris	Simmons
du Pont	Greene	Pine	Smoot
Edwards	Hawes	Pittman	Swanson
Gillett	Johnson	Ransdell	Trammell
Glass	McLean	Reed, Mo.	

So Mr. LA FOLLETTE'S amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Kansas [Mr. CURTIS], as modified, to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the House amendment as amended.

91314—4051

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. GLASS (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. JONES (when his name was called). Making the same announcement as I did on the previous vote with reference to my pair with the senior Senator from Virginia [Mr. SWANSON], who, I understand, would vote as I shall vote on this question, I vote "yea."

Mr. NYE (when his name was called). Repeating the announcement made on the previous vote with reference to my pair with the senior Senator from Missouri [Mr. REED], I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS]. I make that transfer and vote "nay."

Mr. TYDINGS (when his name was called). On this vote I am paired with the senior Senator from Oklahoma [Mr. PINE]. I transfer that pair to the senior Senator from Delaware [Mr. BAYARD] and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the senior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am authorized to say that if he were present he would vote the same as I have voted. Therefore, I allow my vote to stand.

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

Ashurst	Edge	McKellar	Smith
Barkley	Ferris	McNary	Steck
Bingham	Fess	Mayfield	Steiwer
Black	Fletcher	Metcalf	Stephens
Blease	George	Moses	Thomas
Bratton	Gerry	Neely	Tydings
Brookhart	Gooding	Oddie	Tyson
Broussard	Hale	Overman	Wagner
Bruce	Harris	Phipps	Walsh, Mass.
Capper	Harrison	Pittman	Walsh, Mont.
Caraway	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ark.	Waterman
Cutting	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Willis
Dill	Keyes	Sheppard	

NAYS—13

Blaine	Frazier	McMaster	Wheeler
Borah	Howell	Nye	
Copeland	King	Schall	
Couzens	La Follette	Shipstead	

NOT VOTING—22

Bayard	Goff	Norbeck	Simmons
Dale	Gould	Norris	Smoot
du Pont	Greene	Pine	Swanson
Edwards	Hawes	Ransdell	Trammell
Gillett	Johnson	Reed, Mo.	
Glass	McLean	Shortridge	

So the amendment of the House of Representatives as amended was agreed to.

U. S. GOVERNMENT PRINTING OFFICE: 1928

John Collier

Hearing, House Comm. Indian Affairs - May 5, 1926, on H.R. 8036 & H.R. 9497.

Mr. LETTS (continuing). We will now hear Mr. Collier.

STATEMENT OF JOHN COLLIER, INDIAN DEFENSE ASSOCIATION

Mr. COLLIER. My name is John Collier. I am speaking for the Indian Defense Association, of central and northern California, of Santa Barbara, and of southern California.

We are advocating the solution of this problem contained in the Kahn bill. The essential distinction between the two measures, of course, is that one proceeds through litigation, and the other is a gratuity appropriation. In other words, the Kahn bill proposes a settlement by Congress direct. As we understand it, the other measure proposes a settlement through the Court of Claims.

Now, the background of the situation has been admirably given by Representative Lea.

I want to say this: That the terrible destruction of Indian life in California took place during the first years after American occupation, when the people from all over this country rushed into California. Very terrible things were done, and not only did the Indians starve and were driven out into hopeless areas; but they were massacred, and poisoned, and enslaved. And it was done by the American people, and not just by people of California, because they were all newcomers in California. Nevertheless, it was done in the American territory under American guardianship.

The number of Indians who suffered these horrors were not these surviving 20,000, but a number estimated at 150,000 as a minimum, and probably 200,000.

Now, let me point out that even if the entire sum asked in the Kahn bill were granted—which we do not assume will be the case—and the offset of $10,000,000 were deducted, leaving $39,000,000 net, that would represent a payment of $260 per capita, on the basis of a population of 150,000; or a payment of $1,950 per capita for the 20,000 now living. The figure looks large in bulk, but when reduced to the number of Indians it is not large.

If $10,000,000 were arrived at as the final net award, by whatever method that would represent only a $500 payment if it were distributed on a per capita basis which, of course, we are not advocating.

Now, why are we favoring the Kahn bill rather than the Raker bill?

May I say that the bills are not necessarily mutually exclusive. It would be possible to adopt the Kahn bill and place in it a proviso that, if the Raker bill is passed and an award is secured under it, said award shall be deducted from the amount authorized to be appropriated under the Kahn bill. The two bills are not necessarily conflicting, except that their methods are different.

Now, my only object really in coming is to explain why we think the method of the Kahn bill is better than the method of the Raker bill.

The essential facts were given by Congressman Lea. The Raker bill rests on the 18 unratified treaties. These unratified treaties are for legal purposes as if they had never existed. They never became a law.

Now, the Raker bill states that the court shall take into account the area of the unratified treaties and shall take into account the legal and equitable claims under those treaties.

What would be an equitable claim? There is a radical distinction between "moral" and "equitable" in law. An equitable claim is a property right, and we are unable to see how the court, acting as a court, could construe that a property right had accrued under the unratified treaties.

Ultimately, that would have to go to the Supreme Court for determination. Would the Supreme Court hold that the Indians had obtained an equitable right under the lost treaties? Perhaps it would. Our attorneys are disposed to think it would not; and if not, all of the elaborate process of litigation would have been in vain; we would be just where we are now, considerable costs meanwhile having been piled up against the Government, and presumably against the Indians.

Now, to go back of that: It is admitted universally that, at a certain date in the early fifty's, the Indians possessed both a legal and equitable right to the land which they occupied. That is, under the treaty of Guadelupe Hidalgo, the right of occupancy had been guaranteed.

Now, the course of events was the most unfortunate one; and the course of legal decision has been unfortunate; but it is a reality that we have to deal with.

Congress created the Court of Private Land Claims. That court sat in California during the fifties. To that court the Indians did not present their claims for validation; and the guardian, the United States Government, failed to present their claims to that court for validation. Let us admit that the Indians could not effectively do it. Let us admit that it was not even their duty to do it. None the less, a series of subsequent decisions by the courts, up to the United States Supreme Court, have held that the failure of the Indians to present their claims for validation to the Court of Private Land Claims has outlawed their claims.

Now, it is our belief that the Supreme Court was unwise and uninformed in rendering these opinions; yet they are the opinions of the Supreme Court, and they have been reiterated by the courts, with the effect, so far as the situation is at this moment, of effacing any Indian legal or equitable claim.

And that is what makes any procedure through the Court of Claims method an unprofitable one, as we see it, merely postponing the day of an inevitable settlement based on moral grounds rather than on legal grounds, meanwhile costing the Government money and keeping the Indians in a state of deluded expectancy and landing us 4 or 5 or 10 years from now where we are to-day.

On the other hand, there is absolute unanimity as to the moral nature of the Indian claims. All historians, and even the Supreme Court, in its various obiter dicta on this California question—they all admit that practically the Indians could not have presented their claims to the Court of Private Land Claims. Physically, they could not get there. Actually, they were not notified of its existence; and they could rightly have assumed that its functions did not deal with their claims at all. That is universally admitted.

It is universally admitted that treaties were negotiated with the Indians by agents of the Government; that the Indians signed them; that the Indians were not informed of the failure of Congress to ratify them; and that years went by, while the Indians in good faith believed, and acted on the belief, that the treaties had been ratified, whereas, as a matter of fact, the treaties were nonexistant. All of those facts are admitted by all. It is admitted by all that the Indians during those terrible years in California from 1850 to 1880 suffered probably the most heart-breaking wrongs that have ever been inflicted on any American Indians. In other words, the existence of a moral obligation is universally acknowledged; and it has seemed to us that the way of hope for the California Indian was not through litigation, due in advance to failure, but through an appeal to Congress and to the American people, on moral grounds, which are indisputable and which are great and terrible.

And it is on that theory that the Kahn bill has been drafted.

Now, why did the Kahn bill deal with the area of California, rather than with the area of the lost treaties? Because, by universal acknowledgment, when the American occupation began, the Indians were in possession of the State of California. The area of the lost treaties is a purely phantasmal set of boundaries, never validated by Congress and never occupied by the Indians.

The occupation of the State by the Indians is universally acknowledged, and there was a brief time after the treaty of Guadelupe Hidalgo, when the Indians had the legal and equitable rights, which subsequently were outlawed through failure to appear before the Court of Claims.

At this point may I say that Congress could reestablish the Indians' legal and equitable rights? Congress could do that by an enactment which would declare that the failure of the Indians to appear before the Court of Private Land Claims in California in the fifties should not be construed as affecting their claim, equitable or legal.

Congress could, in other words, recreate the legal and equitable claim of the Indians, and could authorize a suit on the basis of such a recreated right.

Now, we do not assume that Congress is going to do any such anomalous a thing as that. There is no precedent for any such action by Congress.

There are a thousand precedents for action by Congress based on the Indians' moral claim.

Now, may I say a word about the mechanism of the Kahn bill? The Kahn bill conforms in general to the picture drawn by Mr. Lea. It provides that a sum—whatever net sum be arrived at—shall be held by Congress, shall be authorized to be appropriated, and shall be expended under the direction of Congress; but it provides a commission to administer the expenditure—a commission jointly composed by the President, the Secretary of the Interior and the Governor of California, the conception being that the money would thereafter be expended to put the California Indians on their feet, whether through land purchase, or through the capitalizing of agriculture, or industrial enterprises, or through medical treatment, or anything else, that being left to develop experimentally through the years as the expenditure goes on.

Undoubtedly the mere giving of a sum of $300 or $500 or $700 in cash to the Indians would be at one and the same time unfair to some of the Indians who had got nothing, in comparison with others in California who had gotten something, and would be to some extent futile—the money would not be wholly wasted, but obviously $500 would not put the California Indian on his feet, with a farm, for example, the way that agricultural and irrigation costs go in California to-day.

On the point which one of the members of the committee raised, of whether a grant, if made, could be in the nature of a relinquishment of all other moral claims against the United States Government, I would point out simply this:

That all over the United States the Government has awarded cash and lands to tribes of Indians, from coast to coast, while at the same time continuing its guardianship over those Indians. The Government continued its guardianship——

Mr. EVANS (interposing). Not the appropriations for their support?

Mr. COLLIER. Yes. You see there are very few reservation areas where there is not a gratuity expenditure. In fact, there are not a dozen in the United States. There are other tribes—as we know, two-thirds of the reservation area of the United States is not treaty reservation area at all, but merely Executive order reservation area; and both in the treaty and the Executive-order areas, the gratuity expenditures are continued.

The reasons for that are two-fold. They were moral. There was an obligation. But they were also practical.

For instance, look at California. Suppose the California Indian, then 150,000 in number, had been placed on treaty reservations of 7,500,000 acres in 1852 or 1855. Suppose that had been done. Suppose we had actually given them that land, and kept the whites off of that land, could the United States have avoided continuing its guardianship?

Absolutely not, because the concentration of that number of Indians on one-tenth of the area which they had been occupying would have resulted in an enormous famine—in a famine comparable to the famine that actually did destroy them when they were scattered all over the State in a homeless way. The Government would have had to go in and assist those Indians with education and with the development of agricultural production. Otherwise, they would have perished horribly.

And the Government would have gone in. The Government could not have left those 150,000 Indians congregated on these areas, and subject to the white man's diseases—a great pesthouse, giving back their diseases to the white man. In self defense, the Government would have had to do one of two things: Either develop its guardianship, as it did, or turn the Indians over to the State of California, and the State would have had to develop a comparable guardianship. It would have been unavoidable as a matter of self-protection by the white population.

The development of the Indian Bureau, under our system of guardianship, has not been from moral motives. It has been an economizing and defensive device for the white population. We all know that.

Now, we can look forward to the ultimate liquidation of the guardianship of the United States. I imagine the bulk of Members of Congress are looking forward to that. The Secretary of the Interior has repeatedly announced that that time is coming nearer when the Indians will pass over into the citizenship of the States, and the range of Federal guardianship will be diminished—will be narrowed down to mere property control, and ultimately that also will pass away.

But it will be a gradual process; and in California, as elsewhere, the guardianship must continue for a while, regardless of any settlement—as a matter of expediency and necessity.

I should say this much about the expenditures of money in making California Indians self-supporting:

The Congress has appropriated more than one-third of a million dollars to buy land for homeless California Indians. We have the official reports of that expenditure, and we know that the bulk of it is worthless, whether for farming or for grazing—rock piles, mountain tops, of nonirrigible desert areas. And we feel strongly that if new money is appropriated it should be placed in the hands of some agency which will use scientific methods in land purchase and will not simply waste the money.

Now, we do not want to be understood as objecting to the Raker bill. I wish to make that very clear, that the Indian defense bodies are not opposing the Raker bill; they are advocating the Kahn bill.

If Congress thought there was any use, or any hope of settlement through Court of Claims litigation, and passed a bill authorizing such litigation, they could still pass the Kahn bill, with the proviso that any awards obtained through litigation should be deducted from the amounts authorized to be appropriated by the gratuity bill.

There is no necessary conflict. On the other hand, I think it is our duty to put ourselves on record to this extent: That after years of studying the situation, we are not able to see that the method of litigating in the Court of Claims holds out any real prospect of settlement or of gain to the Indians; because of the peculiar history of the unratified treaties, coupled with the Supreme Court opinion to the effect that the Indians have even lost the right to assert an occupancy claim—not that the Raker bill rests on a claim of occupancy, or on the treaty of Guadelupe Hidalgo; but even if the bill were broadened to allow them to litigate for the whole State of California, the probability is that the court would hold also that they had no equitable or legal right there.

Now, we wish it were not so. It is conceivable that, if the case were re-argued—not before the Court of Claims or the Supreme Court of the District of Columbia, but before the United States Supreme Court some new opinion might be obtained which would constitute the basis for some legal or equitable claim by the Indians.

But under the existing decisions and condition of the law, we are unable to see where hope lies. We know that most of the claims bills already reported by this committee are doomed to failure in the present Congress, because of the multiplicity of claims bills, and the alleged clogging of the machinery of the Department of Justice.

We think it will be lamentable to simply tell the California Indian to continue hoping through years in the future, as they have been hoping since 1920, for a settlement of their problem by the method of litigation.

We believe, on the other hand, that a presentation of the case on moral grounds, if forces can be concentrated behind it, will prevail in Congress.

It is our intention, Mr. Chairman, to come into the next Congress with a real, concentrated endeavor to interest Congress in the Kahn bill.

We do not anticipate action in this session. So little do we anticipate action this session that we would not have solicited a hearing. We know the situation. But behind the Kahn bill there will be thrown in the next session very large influences, both within and outside of California.

Congressman Kahn referred to a thing that Congress is in the process of doing right now—where a purely moral contention is being admitted by Congress, the one having to do with the right of the Indians to revenue from their Executive order reservations and to ownership of them. It is admitted that Congress has the power to deprive them of that revenue. The sum involved is possibly hundreds of millions of dollars. The States have been clamoring for 37½ per cent of that revenue, and yet in the Senate yesterday, with a practically unanimous vote, the Indian Affairs Committee, acting expressly on moral considerations, confirmed to the Indians, as far as that committee had power to do so, the royalties from oil and, by inference, all of the other products from these vast Executive order areas.

Congress will respond to the moral appeal, and particularly in a case like that in California, where the expenditures, as Congressman Lea has urged—the expenditures asked for in the Kahn bill, if wisely used, would ultimately make it possible for the United States Government correspondingly to economize in its annual gratuity appropriations.

It is perfectly true that the California Indians, if they were self-supporting, would not be in the kind of need that they are now in. They would not be in their present pathetic condition of undernourishment, of various endemic diseases, and of hopelessness, and the Federal appropriation could be reduced.

Furthermore, California under the arrangement proposed in the Kahn bill, would be brought into action for its own Indians. The State as a corporate entity would become a party with the Federal Government in taking care of the Indians. And in the long run an adequate gratuity appropriation, expended by the methods proposed in the Kahn bill, would not prove to be a charitable gift, but an economic investment for Congress.

And we believe that that fact, joined with the overwhelming moral appeal, will persuade Congress to do what Congressman Lea feels Congress is not likely to do, namely, to provide in an adequate way—to provide the money and the machinery for expending it, to discharge our moral obligation which, except for certain historical accidents, would also be a legal obligation to these Indians.

And I shall not now consume any more of your time, beyond stating that the Kahn bill was the product of deliberations by the Commonwealth of California, in consultation with the attorneys of the several Indian defense bodies, and it represents a pretty exhaustive research into history and law, and was further drafted in

consultation with the man who admittedly is the authority on California's Indians, Dr. C. Hart Merriam, of the Smithsonian Institution.

Mr. LETTS. Thank you very much.

(Thereupon, at 12.30 o'clock p. m. the subcommittee took a recess until 2.30 o'clock p. m.)

AFTER RECESS

The subcommittee reconvened, pursuant to recess, at 2.30 o'clock p. m., Hon. F. D. Letts presiding.

Mr. LETTS. You may proceed, Mr. Collett.

STATEMENT OF FREDERICK G. COLLETT, INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.)

Mr. COLLETT. May I make this inquiry, as to whether it would be desirable to put a limit on each of those who are to make a presentation so that we can dispose of this matter within a reasonable length of time?

Mr. LETTS. We want to hear from you as fully as you think you should be heard.

Mr. COLLETT. Some of the data that I had prepared to present to this committee are similar to that presented by Mr. Lea this morning, so I will omit that and simply submit for the record, I submit it for the record in that it does differ in that it is additional information and it goes to show that the Indians of California were recognized by all of the discovering powers to have rights in California.

LEGISLATIVE HISTORY OF H. R. 8036 AND SENATE 3051, SIXTY-NINTH CONGRESS, FIRST SESSION, FOR THE RELIEF OF THE CALIFORNIA INDIANS

By the treaty of Guadalupe-Hidalgo (9 Stat. 62), which was ratified by the act of February 2, 1848, there was ceded to the United States by the Republic of Mexico the territory now comprising the State of California.

Within this territory there were resident approximately 201,000 Indians. (Annual Report of the Department of the Interior for 1901, p. 346.)

The Indians were former citizens of Mexico. (Treaty of Cordova, 1821; acts of the Congress of Mexico, 1822, 1923; Hoyt *v.* U. S., 38 Ct. Cls. 455.)

Their property rights were guaranteed by the treaty of Guadalupe-Hidalgo, and under the law of the United States they possessed a title to the right of occupancy in the land inhabited by them which was a property right. (Johnson *v.* McIntosh, 8 Wheat. 343; Mitchell *v.* United States, 9 Pet. 711; Delassus *v.* United States, 9 Pet. 117; Spaulding *v.* Chandler, 160 U. S. 403; Botiller *v.* Dominguez, 130 U. S. 238; Barker *v.* Harvey, 181 U. S. 481.)

These Indians were organized in 18 different tribes which, under the law of the United States, were dependent domestic communities that could only be dealt with by treaty. (Cherokee Nation *v.* State of Georgia, 5 Pet. 1; Worcester *v.* State of Georgia, 6 Pet. 575; United States *v.* Kagama, 118 U. S. 375; Elk *v.* Wilkins, 112 U. S. 94; act of June 30, 1834, 4 Stat. 729.)

In the Territories act of September 9, 1850 (9 Stat. 447), Congress recognized the legal rights of these tribes, the said act providing that nothing therein should be construed "to impair the rights of persons or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians * * *." (See also acts New Mexico, Sept. 9, 1850; c. 49, sec. 2, 9 Stat. 447; Utah, Sept. 9, 1850; c. 51, sec. 1, 9 Stat. 453.)

Under the law of the United States land to which the Indian title attached was no part of the public domain, but was deemed to be Indian country, and

settlements in Indian country were prohibited by statute. (R. S. 2118, 2257–2289; Ex. p. Crow Dog, 109 U. S. 556; U. S. *v.* LeBris, 121 U. S. 278.)

With a view to inducing the California tribes to concentrate in order to render available as public domain land deemed surplus to their needs, Congress made provision in the Indian appropriation acts of September 28 and September 30, 1850 (9 Stat. 519, 532) for the negotiation of treaties with them, and by the act of February 27, 1851 (9 Stat. 574), required all treaties with the Indian tribes to be negotiated by officers and agents of the Indian department.

Pursuant to the said acts the President, through the Secretary of the Interior, appointed treaty commissioners who proceeded to California, and between May 13, 1851, and January 5, 1852, negotiated 18 several treaties with the 18 tribes of California.

In each of these treaties the tribe concerned agreed to relinquish all claim to its immemorial domain in consideration of a specified tract being reserved to it. Inasmuch, however, as these promised reservations were barren tracts and far removed from the present habitats of the tribes, they were also promised beef cattle, brood animals, flour, cotton, metals, implements, and services of various kinds, of a quantity and character designed to enable the tribes to change their habitats and reestablish themselves in the new homes promised them. (Treaties printed in hearings before a subcommittee of the Committee on Indian Affairs, H. R. 66th Cong., 2d sess., Mar. 23, 1920, at p. 13, et seq.)

The treaties were indorsed by the Secretary of the Interior, May 22, 1852; approved and transmitted to the Senate by the President, and on June 7, 1852, were ordered to be printed in confidence for the use of the Senate. (Ibid. p. 55.)

On June 8, 1852, the following action was taken by the Senate:

"*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1851, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit:"

All 18 tribes were then named, and a similar order was made in the case of each treaty, the same being recorded at pages 417, 418, and 419 of the printed journal of executive proceedings of the United States for July 8, 1852.

The treaties were accordingly pigeonholed and have never been ratified. The reason for their nonratification fully appears in the hearings cited. The political influence of the gold seekers would not permit favorable action upon them.

Pending final action on them, however, the officials of the United States had induced the tribes to remove from their original habitats to the specified reservations. On reaching the latter they were driven off by homesteaders and others, the land which they had abandoned having also been preempted. In the course of a few years the land originally occupied by them to which their title had never been extinguished, as well as the promised reservations, were disposed of contrary to law as public domain. Thus, the California tribes, with a membership of from 210,000 to 700,000, according to reliable ethnologists, became homeless vagrants and were quickly reduced by eviction, starvation, murder, and disease to about their present numbers—approximately 17,000. (Handbook of American Indians, Bureau of American Ethnology, Pt. I.)

SIXTY-SIXTH CONGRESS

Serious effort has been made by the Indian Board of Cooperation of California (Inc.) for the past 16 years to secure the advantages of present laws and to have enacted remedial measures of relief for the Indians of California. As a result of its interest in them the late Mr. Raker, of California, introduced a bill in the Sixty-sixth Congress (H. R. 12788) designed to give the Court of Claims jurisdiction of their claims against the United States. (See printed hearings, Vol. I, p. 3.)

Inasmuch as the United States was fully protected by the bill it received the unqualified approval of the Acting Secretary of the Interior, as evidenced by the following:

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1920.

MY DEAR MR. SNYDER: I am in receipt of your letter of February 28, 1920, referring for report a copy of H. R. 12788, authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians as shown by the bill is for compensation from the Government for lands formerly occupied and claimed by them in California, which lands are alleged to have been taken from them without payment and disposed of as public domain.

As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

Cordially yours,

ALEXANDER T. VOGELSANG.
Acting Secretary.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

(Vol. I, p. 4.)

This bill received the unqualified approval of the Indian Office also. The legislative representative of that office who appeared before the House Committee on Indian Affairs with reference to the California jurisdictional bill, said:

"We believe the California Indians have not received a square deal from the Government. The representatives of the Government entered into 18 treaties or agreements with the California Indians, and those treaties were submitted to the Senate in good faith by the President, but for reasons best known at the time they were not ratified by the United States Senate." (Vol. I, p. 66.)

He then went on to say:

"We are glad to cooperate in the preparation of this legislation, so that they might go to the Court of Claims and have their claims against the Government adjudicated. We are not at all in sympathy with the treatment the California Indians have received in the past, in the remote past. (Vol. I, p. 69.)

On February 9, 1920, Franklin K. Lane, Secretary of the Interior, wrote the Committee on Indian Affairs of the Senate as follows:

"As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration." (Hearings before a subcommittee of the Committee on Indian Affairs, H. R. 67th Cong., 2d sess., Apr. 28 and 29, 1922, p. 154.)

The Senate and House committees of the Sixty-sixth Congress unanimously approved H. R. 12788.

"The Committee on Indian Affairs has had under consideration and after such consideration reports favorably on H. R. 12788, authorizing any tribes or bands of Indians of California to submit claims against the United States to the Court of Claims for adjudication, and recommends that it pass with certain amendments.

"These Indians have long been pleading for an adjustment of their claims, and for reimbursement for the lands which were formerly occupied by them. Your committee therefore believes that they should have their cause fully and judicially heard by the Court of Claims.

"We therefore believe that H. R. 12788 gets at the California Indian problem in a very fundamental and practicable manner, and that it also gives the best assurance possible for a satisfactory and final and early settlement of the California Indian question. Further, this proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights." (Report No. 840.)

The Senate passed the bill on its Unanimous Consent Calendar, but because of congestion on the House Calendar the bill did not reach consideration by the House, and therefore failed of passage. (Vol. II, p. 154.)

SIXTY-SEVENTH CONGRESS

In the Sixty-seventh Congress Mr. Raker introduced H. R. 4383, which was in all material respects like H. R. 12788, Sixty-sixth Congress.

Meantime, the Department of the Interior had undergone a change of attitude. Now, instead of approving a special jurisdictional bill under which the Californa tribes might litigate their claims against the United States, an appropriation by Congress for the benefit of the California Indians was recommended by the Acting Secretary. (Vol. II, pp. 142 and 143.)

Neither the California delegation in Congress nor the California Indians approved of this plan, which was designed to afford the tribes relief not as a matter of legal right but as a matter of congressional grace. The California congressional delegation, in a joint letter to the Secretary of the Interior under date of February 2, 1922, said in part:

"A proper investigation and determination of these claims involves a detail of work that will necessarily extend beyond the life of any one Congress. We believe the Court of Claims to be the only established Government agency qualified to reach such a determination. We feel that any just disposal of the matter is impossible without the aid of the United States Court of Claims. It is but reasonable and just that the California Indians should be given the opportunity to fully present their claims to that court. The precedent of the Court of Claims procedure is a long-established one." (Vol. II, pp. 153 and 154.)

Accordingly, on February 25, 1922, the Indian delegates addressed the following letter to the Secretary of the Interior:

INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.),
Washington, D. C., February 25, 1922.

The Hon. ALBERT B. FALL,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In accordance with our conference with you yesterday, we have taken under advisement your proposal that the California Court of Claims bill be substituted by a measure authorizing your department to determine the needs of the California Indians and to render such relief as might, in your judgment, be found necessary.

After careful consideration of your proposal, we beg to advise you that we are not so much interested in the limited relief that might be obtained through gratuitous appropriations as we are in a just and final disposal of the California Indian problem. We believe that this can be done best under the provisions of the California Court of Claims bill. Therefore, we have agreed to press our case for the enactment of that bill.

We have reached this decision after carefully reviewing the scanty relief heretofore granted to the California Indians in the form of gratuitous appropriations by the Congress, the great stress that is now being placed on economy, and the further fact that it is not reasonable that this Congress could, in its short life, conclude the work, and that it would have to be resumed by another Congress, which might adopt an entirely different policy.

We sincerely hope that your sense of justice and interest in humanitarian questions will be assurance to us that you will use your good office to assist in every way possible to reach an early and satisfactory settlement of the California Indian Problem.

Sincerely yours.

Albert Wilder (Humboldt, County), Frank Isles (Del Norte County), Albert James (Humboldt County), Thomas W. Billings (Siskiyou County), A. J. Hogan (Madera County), Alfred Gillis (Shasta County), Stephen Knight (Mendocino County), William Fuller (Tuolumne County), Harrison Diaz (Inyo County), Indian delegates.

Neither committee of Congress acting upon H. R. 4383, it, like its predecessor, failed of passage.

SIXTY-EIGHTH CONGRESS

In the Sixty-eighth Congress Mr. Raker introduced H. R. 12123, which was in substance but a repitition of H. R. 4383, Sixty-seventh Congress.

This bill received the following unqualified indorsement of the Secretary of the Inetrior:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1925.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Further reference is made to your letter of February 4, 1925, transmitting for a report thereon a copy of H. R. 12123, to allow the Indians of California to have their claims against the Government adjudicated by the Court of Claims.

As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States, as well as of the Indians, recommendation is made that it receive your favorable consideration.

Bills were introduced in previous sessions of Congress for a similar purpose, and extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives. These hearings, which have been printed under the title of "Indian tribes of California," are dated March 23, 1920, and April 28 and 29, 1922, and contain a very full and complete history of the entire matter.

Very truly yours,

HUBERT WORK.

Both committees in Congress in their reports used identically the same language, which was in part:

"Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allows any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill."

Very shortly thereafter the bill was unanimously passed by both the House and Senate, but was not signed by the President. The measure failed to become a law only because the President failed to sign it after Congress adjourned.

SIXTY-NINTH CONGRESS

In The Kansas Indians (5 Wall. 755) the Supreme Court held that if the Indians had outlived many things they had not outlived the protection of the Constitution, the laws, and treaties of the United States.

Under the fifth amendment to the Constitution the California Indians are entitled to just compensation for all the land which the Government admits has been taken from them for public use, and just compensation includes interest. The expense incident to making just compensation to its citizens for property illegally taken from them by it is not one to which the United States can reasonably object.

However, in the Sixty-ninth, or the present Congress, on January 20, 1926, Mr. Raker introduced the pending bill (H. R. 8036) in which, in order to meet one reported objection of the President to the preceding bill, the compensation recoverable by the tribes is clearly limited to an amount not to exceed $1.25 per acre for the acreage of the promised reservations, and under this bill no compensation could possibly be recovered for the land actually surrendered by the tribes to the Government pursuant to the treaties.

Nevertheless, the Secretary of the Interior, notwithstanding his unqualified approval of the more general preceding bill, in a letter to the chairman of the House Committee on Indian Affairs, under date of April 13, 1926, disapproved the pending bill in the following language:

THE SECRETARY OF THE INTERIOR,
Washington, April 13, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 8, 1926, inclosing for a report a copy of H. R. 8036, a bill authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians as indicated in the bill are for compensation from the Government for lands formerly occupied and claimed

by them in California, which lands are alleged to have been taken away from them without payment and disposed of as public domain.

The claims are based upon 18 treaties made with the different tribes of Indians of California in 1851 and 1852, and submitted to the Senate for ratification on June 1, 1852. These treaties were signed on the part of the Government by the United States agent and on the part of the Indians by certain chiefs and headmen. When these treaties were submitted to the Senate for ratification that body unanimously voted to reject them as shown by the Executive Journal of the Senate for June 28, 1852, on page 417. With reference to the submission to these treaties after they were severally read the second time and considered in the committee as a whole, no amendments were made thereto, and they were severally reported to the Senate.

These Indians have, for a number of years, been asserting that they were entitled to compensation for the lands that were set apart for them by the 18 treaties in question to the extent of approximately 7,500,000 acres.

A bill, H. R. 12788, similar to this was introduced in the Sixty-sixth Congress during the second session. Extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives, and a full and complete history of the matter was incorporated in said hearings, which are dated March 23, 1920. The bill did not become a law.

There would seem to be little necessity for action by the Court of Claims and the expense and delay incident to a suit to recover the value of these lands should an appropriation be made in settlement of their claims. The bill provides for payment of $1.25 per acre for the lands, and it would be easy to compute the amount that would be due, as there is very little question as to the acreage involved.

It is recommended that H. R. 8036 do not receive your favorable consideration. The Director of the Bureau of the Budget has advised that this adverse report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

Such is the present situation.

The shifting varying policy of the Department of the Interior would seem to justify the comment which James Bryce makes in the revised edition of the American Commonwealth, 1924, at page 88:

"He (the Secretary of the Interior) is chiefly occupied in the management of the public lands * * * and with the conduct of the Indian affairs, a troublesome and unsatisfactory department, which has always been a reproach to the United States, and will apparently continue so till the Indians themselves disappear or become civilized."

As usual, the Indians are much confused, and to their case the remarks of the late Franklin K. Lane, Secretary of the Interior, are peculiarly applicable. Said Mr. Lane in the reports of the Department of the Interior for the fiscal year ending June 30, 1914 (1915), Volume I, page 4:

"That the Indian is confused in mind as to his status and very much at sea as to our ultimate purpose toward him is not surprising. For a hundred years he has been spun around like a blindfolded child in a game of blind man's buff. Treated as an enemy at first, overcome, driven from his lands, negotiated with most formally as an independent nation, given by treaty a distinct boundary which was never to be changed 'while water runs and grass grows,' he later found himself pushed beyond that boundary line, negotiated with again, and then set down upon a reservation, half captive, half protégé.

"What could an Indian, simple thinking and direct of mind, make of all this? To us it might give rise to a deprecatory smile. To him it must have seemed the systemized malevolence of a cynical civilization. * * * Manifestly the Indian has been confused in his thought because we have been confused in ours."

The attitude of the California Indians toward a congressional appropriation for their relief remains unchanged. They do not desire a national gratuity. All that they desire is a jurisdictional bill that will make it possible for them to recover an amount representing a small part of the value of the property taken by the Government from them for public use.

Moreover, experience shows that on certain occasions where the Department of the Interior urges upon Congress the appropriation of a specific amount which the Indians have agreed at its instance to accept in lieu of a jurisdictional bill, Congress does not recognize any obligation to make such an appropriation. For instance, but recently the Clallam Indians of the State

of Washington were induced by the department to agree to accept $1,000,000 in full satisfaction of their claims. Senate bill 1707, providing for the appropriation of $1,000,000, was so amended that the Indians will either have to accept $400,000 or receive nothing at all, and at the same time waive their rights to all legal remedies. The California Indians feel that good faith on the part of the Government requires that compensation be made them in accordance with legal principles, and not that they should be called upon to compromise their legal rights by accepting an amount that may or may not be due them at law.

The Indians are also confused by the reference of the Secretary of the Interior to the fiscal policy of the President as administered by the Bureau of the Budget. They have examined the law carefully, but find no provision giving the executive department control over remedial legislative acts. They find, however, that it has become the policy of the Department of the Interior to seek the approval of the Bureau of the Budget of remedial legislation before it gives its own approval. It is apparent, therefore, that in governing itself by the recommendations of the Secretary of the Interior, Congress, in effect, subjects itself to the control of the Bureau of the Budget. So, too, under such a system, in the last analysis, the remedies open to the Indian citizens would seem to depend not upon their constitutional rights but upon the fiscal policy of the executive department. Of this situation Congress might well take notice since the present practice of the Secretary of the Interior with respect to Indian legislation is a clear invasion by the executive department of the constitutional prerogative and function of the legislative department.

The Spanish and Mexican Governments regarded the rights of the Indians; they recognized them and protected them in those rights. Now, we come to the time when we negotiated a treaty between the United States and the Mexican Government in which we solemnly agreed to protect the rights of the Indians.

I want to deal more particularly with just two or three points. I wish to call attention to the fact that the Indians were recognized to have a right in California. That right was recognized by the Spanish and Mexican Governments, and by the Congress of the United States and by President Fillmore. It was recognized by the United States in this way. The Congress of the United States passed a bill authorizing negotiation of treaties with the Indians of California and appropriated $25,000 with which to meet the expenses of that commission. Pursuant thereto a commission went to California and made 18 treaties with the Indians. The treaties are found in volume 1 of the hearings which are part of your record. The treaties were the outgrowth of our recognition of the Indians' rights in California. The treaties represent the only bargain that has ever been made with the California Indians. They represent the only agreement that is tangible to which we might base a calculation at this time for settlement. That is why the Raker bill has referred in each instance to the 18 treaties, because they form the basis for any settlement that might be made. In the sixty-sixth Congress, Congressman Raker introduced a bill very similar to the one you have before you. The acting Secretary of the Interior, Mr. Vogelsang, said in part:

As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well I recommend that it receive your favorable consideration.

The Indian department, representing the Department of the Interior, came before this committee and heartily recommended the passage of the bill and recorded itself as having helped to prepare this particular legislation.

Mr. LETTS. Who appeared for the Indian Bureau?

Mr. COLLETT. Mr. Meritt. The late Secretary, Franklin K. Lane, in his report on this legislation to the Senate said:

> As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

The committees of the House and Senate on Indian Affairs unanimously recommended the passage of that bill. It passed the Senate on the unanimous-consent calendar, but was not reached in the House because of congestion of its calendar during the last days of Congress. The committee in its report to the House, Report No. 840, went on record as saying in part:

> This proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights.

In 1922 we had a new Secretary of the Interior, Albert B. Fall, who had adopted an entirely different policy. He held that the Indians should not be allowed to go to the Court of Claims. In one explanation he said that they might recover more by the process of the Court of Claims than the administration at that time would be willing to pay. He, however, suggested more generous appropriations, and recognized very clearly the need of the Indians of the State of California, who had nine delegates of the better-educated Indians here. They had more than a two hours' conference with Secretary Fall, and affer considerable study of Secretary Fall's statements, they pledged themselves to wait until such time as they could get favorable action on the Court of Claims bill.

Their study and the study of every one else connected with this proposition shows that no considerable amount can be secured through an appropriation. In 1906 an appropriation of $100,000 was made for the purchase of land for homeless Indians in California. The following year, or two years later, $50,000 more was appropriated. At that particular time it was written into the statute that the $50,000 added to the $100,000, was ample, and that no more money would be needed to settle with the Indians of California. In spite of this, we find that Congress has gone on appropriating, and that nearly $400,000 has been appropriated for the purchase of land for homeless Indians in California. Much of the land is worthless and without water. There are still many without even a meager plot of land for a home. I mention this to show that we have at no time formulated a fair and just opinion as to what should be done for the California Indians. Our policies toward them have been ever changing and inconsistent.

The Members of Congress from California in 1922 joined in a letter to Secretary Fall, in which they strongly advocated a Court of Claims bill and held that no one Congress would reach a satisfactory conclusion of this case in its life and that the next Congress would, perhaps, adopt another policy, and that we were continually going around a vicious circle and never really determining on a policy that could be carried out to a successful conclusion.

In 1925, the Sixty-eighth Congress, Secretary Work had not followed Secretary Fall. He had reversed the policy and adopted a

policy of allowing the Indians to go into the Court of Claims. In his report on February 10, 1925, he said in part:

> As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States as well as of the Indians, recommendation is made that it receive your favorable consideration.

This committee when it came to consider the bill last February, about the middle or toward the last of February, said to Congress:

> Your committe has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allows any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill.

The bill passed the Senate on the unanimous consent calendar and it also passed the House on the unanimous consent calendar. It reached the President on the 2d day of March. Congress was to adjourn on the 4th day of March. The President at that time was entertaining personally the gentleman whom he expected to be a member of his Cabinet and the prospective Attorney General. He was preparing an address to be broadcasted, probably the first to be broadcasted, and his first inaugural address. He had no time to give this measure consideration, and at that particular moment, the question was raised as to whether or not this bill did not give the Indians too large a claim, and whether or not the Government would not be put to too much expense to defend its interests.

So, upon my arrival in Washington in January, under the direction of Congressman Raker, I went to the Office of Indian Affairs, to the Secretary of the Interior, and to the Budget Bureau, and I found that there was no serious objection to the passage of the bill other than it had seemed to involve the Government in too large an expense and would, perhaps, allow the Indians to recover a larger sum than might be justly due them. It was the belief that the bill should be restricted to the provisions of the 18 treaties.

So the bill was very carefully drawn and presented to Congress in its more restricted form. In due time it went to the Secretary of the Interior. Assistant Secretary of the Interior, Mr. Edwards, assured me that the policy of that office was to grant favorable reports on jurisdictional bills, that in no instance had they or did they intend to give any adverse report unless the bill did not properly protect the interests of the Indians and the Government; or because the case had already been presented to the United States court and there did not seem to be sufficient merit to warrant the re-presentation of the case to the court again.

At the time of my conversation with Assistant Secretary of the Interior Edwards, I was informed that the report would be in the hands of the Secretary within a few days, and which I understand was sent to the Budget Bureau.

When it came back, although I can not give you the exact details of the history, I am confident that this report wass ent back to the Secretary of the Interior with instructions that it be rewritten, because it was not, in the opinion of the Budget Bureau, an opportune time to allow this measure to be passed.

I want to speak with reference to the proposed outright appropriations in lieu of jurisdictional bills. In 1922 Secretary Fall suggested that he would ask for a million dollars appropriation provided we would abandon the Court of Claims bill, but we did not believe that that was a wise course; nor would we believe that the mere asking for an appropriation was anything to justify the abandonment of the Court of Claims bill.

For example, the Clallam Indians of the State of Washington had a Court of Claims bill and were anxious for its passage. A proposal was made to them that they receive an appropriation of $1,000,000 cash in lieu of the bill. The substitute bill was prepared by Senator Jones, and was sent to the Department of the Interior with the understanding that the $1,000,000 was in keeping with the tacit agreement between the Office of Indian Affairs and the Indians themselves. A substitute bill was sent back with a favorable report, but in that substitute bill the amount of the appropriation was left blank for the Senate to fill in. The Senate, instead of putting in $1,000,000, put in $600,000, and it was cut to $400,000 by the House. I mention this to show the uncertainty of any adequate appropriation, even though we might start out on the course that was suggested in the Kahn bill.

Unless we have first of all set down and determined that these Indians have certain rights and that there are certain things that we ought to do, we are not apt to do them. So we are asking that the Indians of California under a jurisdictional bill that will amply protect the Government as well as the Indians, be given the right to go into court, present their claims, have them determined, and be settled once and for all. I believe you will find in the case of the California Indians, if their case is properly determined now, that you will have relieved yourselves of a moral obligation, and the Indians will have been given fair compensation. This will put them in a condition that will make it unnecessary for any considerable supervision by the Federal Government, and will tend to make them independent rather than a dependent people. Perhaps, the California Indians are in a better position to shift for themselves than most any other Indians because they have been shifting for themselves, and they have had some very hard knocks. They have learned how to take care of themselves and if they are given a fair chance, they will make good.

I found that in 1910 there were scarcely any Indian children attending our public schools. It has been my work from that time to this to help gain public schools and other advantages for the Indians of that State. To this end the Office of Indian Affairs, through tuition contracts with public-school officials of California, has rendered an exceptional service. We now have more than 3,000 attending the public schools, and more than 200 attending our high schools. Those in the high schools have homes in which they are working for their board and room and are getting from $5 to $20 a month. Some have gone into college and are working their way through college.

Those people are under a fearful handicap. In view of shameful history of our dealings with the California Indians, which should be forgotten as quickly as possible, we ask that these people

(Not printed at Government expense)

Congressional Record

SEVENTY-FIRST CONGRESS, THIRD SESSION

The Herbert J. Hagerman and Indian Bureau Case

SPEECH

OF

HON. LYNN J. FRAZIER

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

February 13, 14, and 18, 1931

Mr. FRAZIER. Mr. President, when this bill was before the Senate on January 21 I offered an amendment, being amendment numbered 58, which provided "that no part of the moneys appropriated by this act" should be used for the expenses of Herbert J. Hagerman, of New Mexico. I made a very brief statement on the amendment at that time, in which I said:

> Mr. President, there is a duplication in many of the appropriations for the Indian Bureau. In this particular instance there is an appropriation out of the Northern Pueblo fund of $6,500 for salary for Mr. Hagerman and $2,500 for expenses as a sort of general superintendent for a tribe in New Mexico and Arizona.

I made the statement that there was a duplication. I want to say, Mr. President, that that statement and other statements I made at that time, to which I will refer later on, caused a good deal of discussion and considerable newspaper comment, and a day or two afterwards the junior Senator from New Mexico [Mr. CUTTING] called me up at my office and said that Mr. Hagerman and Commissioner Rhoads would like to see me. I told him I would be glad to talk with them at any time. So the junior Senator from New Mexico came to my office with the Commissioner of Indian Affairs, Mr. Rhoads, and Mr. Hagerman, and we talked the matter over for some little time. Both the commissioner and Mr. Hagerman wanted me to reconsider the remarks I had made and thought that I should make a public apology. I told them I wanted to go into the matter a little further before I would make any statement in regard to it. I thought that my statements were correct, with the possible exception of one made in regard to Mr. Roosevelt asking for Mr. Hagerman's resignation as Governor of New Mexico, which I will explain later on.

After the interview with those gentlemen some newspaper reports came out, including one in the New York Times signed by Mr. La Farge, which referred to several statements I had made, or was supposed to have made, commented on them, and made some absolutely erroneous statements. So after talking with other members of the Subcommittee on Indian Affairs, who have been investigating Indian conditions, we decided to call a hearing on this particular matter and to give Mr. Hagerman, the Indian Bureau, and anyone else who desired to make any statement on the matter a chance to testify. A hearing was called, which began on January 30 last.

HAGERMAN'S POSITION AS DUPLICATION

It developed in that hearing that there was quite a lot of duplication in Mr. Hagerman's work. Under the old ruling he merely had charge of the Navajo Tribe, but later on he had charge of some of the other Indians of New Mexico. However, his last appointment, and the work for which this year's appropriation covers, is as a sort of district commissioner for the four States of Arizona, New Mexico, Utah, and Colorado. In those four States each Indian reservation has its own superintendent of agency. Besides that there are other men who cover those same districts from the Indian Bureau. In addition to Mr. Hagerman as general superintendent or district superintendent or commissioner, there are in the same district local superintendents, a district superintendent of health, a district superintendent of irrigation, a district superintendent of education, and a district superintendent of agriculture. In addition to that, the Indian Bureau sends out inspectors from Washington to the various sections of the country in which these reservations are located. They also send out auditors and other officials from the bureau. So I believe I am perfectly safe in saying that there is, without any doubt, a great deal of duplication.

In this particular instance I want to say what I neglected to say when I started in in regard to the hearing, that the subcommittee has not had a meeting since the hearings were held, and what I am saying is not the report of the subcommittee by any means but is my own personal interpretation of what took place at the hearing. I think there is no question that at the hearing it was established that there was a great deal of duplication. Of course, Mr. Hagerman has had charge of the sale of oil leases and gas and mineral leases on some of the reservations, but superintendents of the various reservations have also at times, as I understand, sold oil leases, and there is no reason that I can see why they should not be authorized to sell them.

Mr. Hagerman was appointed a special commissioner to negotiate with the Navajo Indians in January, 1923. When Mr. John Collier, who is secretary of the Indian Defense Association, testified at the hearing under oath he stated that Mr. Hagerman was appointed by Secretary Fall. Mr. Hagerman, who had been informed that he might ask questions at any time, immediately stated that that was an untrue statement, or something to that effect.

Mr. Hagerman states:

> When Mr. Collier states in the first instance I was appointed by Secretary Fall, he states an untruth. I was appointed in the first instance by Commissioner Burke on the 6th day of January, 1923.
>
> * * * * * * *
>
> Senator WHEELER. Then you were appointed by the Secretary of the Interior, because, after all, the Secretary of the Interior is supposed to run the department.
>
> Mr. HAGERMAN. He stated an untruth when he stated I was appointed by Secretary Fall, because I was appointed by Commissioner Burke.

Of course, Mr. President, no official documents were introduced to show that he was appointed by Mr. Burke; but, according to other information that we have, of course it is a common custom, even though an appointment is made by the Commissioner of Indian Affairs, that it must be at least approved by the Secretary of the Interior, because the Indian Bureau is under the Secretary of the Interior; and the first paragraph of Department Regulations relating to the Navajo Tribe of Indians, under date of April 24, 1923, shortly after Mr. Hagerman's appointment, states:

> There shall be designated by the Secretary of the Interior one commissioner of the Navajo Tribe, who shall be the agent in charge of the Navajo Reservation.

This provision was made later by the Secretary, if it was not at the time of Mr. Hagerman's appointment, a few months before that. I give this particular incident just to show that Mr. Hagerman was very particular about statements that some of the witnesses made, and frequently referred to them as untruths, at least four or five times. I will refer to them later on.

PRESIDENT ROOSEVELT AND HAGERMAN

The next statement I made at the time the amendment was offered was:

> Mr. Hagerman is an ex-Governor of the Territory of New Mexico. He was removed from office by President Roosevelt as soon as Roosevelt came into office.

I was under a wrong impression there; but upon looking up the situation it really looks worse than I had thought it was at the time I made the statement.

Mr. Hagerman was appointed as Governor of the Territory of New Mexico when President Roosevelt came into office. About a year and a half later, or not quite that, I think—at least, a little over a year—a letter, which was introduced in the record, was written by President Roosevelt to Mr. Hagerman which made certain specific charges; and it seemed that before that he had written Mr. Hagerman asking for his resignation as Governor of the Territory of New Mexico. There was also introduced in the record a reply to President Roosevelt's letter by Mr. Hagerman. He made no particular defense, further than saying, in substance, that, inasmuch as Mr. Roosevelt was President of the United States he acknowledged his authority, and therefore he had sent in his resignation. That may not be anything against Mr. Hagerman; but that is the fact of the situation, as borne out by the testimony received before our subcommittee.

I also stated, according to information I have—and I believe it is authentic—that the first deal of ex-Governor Hagerman was with the Navajo Indian oil lease. That was a lease for what was known, I believe, as the Rattlesnake lands. It was the Rattlesnake structure. I have forgotten the exact title of it. I stated that the lease was made for $1,000, and that within a year's time the identical lease was sold for a million dollars to the Continental Oil Co.

The reason for Mr. Hagerman's appointment at that time, as I understand, was because there were certain oil lands in the northwestern corner of the State of New Mexico on the Navajo Indian Reservation, and some oil companies had been investigating there, and there had been one lease, I think, known as the Hogback structure, which had been given to the Midwest Oil Co., and a test well had been put down. Other companies were doing some exploring there, and they wanted to get some more of the land, apparently, under those leases; and so Mr. Hagerman was appointed as a special commissioner to deal with the Navajo Indians. His appointment was in January of 1923, at the time Mr. Fall was Secretary. Whether Mr. Fall appointed him or Mr. Burke, as Commissioner of Indian Affairs, appointed him makes no particular difference as I see it, but the fact is that he was appointed.

* * * * * * *

FALL'S ORDER CREATING NAVAJO COUNCIL

A set of regulations was drawn up, dated January 27, 1923—"Regulations Relating to the Navajo Tribe of Indians, Department of Indian Affairs, Office of Indian Affairs." It is signed by Charles H. Burke as commissioner, and approved January 27, 1923, by F. M. Goodwin, Assistant Secretary. This provides, among other things, for the organization of a Navajo tribal council, which I mentioned in my remarks on this amendment.

It seems that Mr. Hagerman went out there shortly after his appointment on the 5th or 6th of January, I believe, and started this organization work. Afterward there was another set of regulations adopted, dated April 24, 1923; the same year, only from January to April later. These regulations were undoubtedly for the purpose of forming a Navajo tribal council and looking toward the leasing of this land. The second item in the regulations reads:

The commissioner to the Navajo Tribe shall have supervision over each of the superintendencies located on said reservation and be charged with the general supervision and administration of affairs of the Navajo Tribe and do and perform such other duties as may be directed by the Commissioner of Indian Affairs or the Secretary of the Interior.

3. There shall be created a continuing body to be known and recognized as the Navajo tribal council, with which administrative officers of the Government may directly deal in all matters affecting the tribe.

Then it goes on with the provisions under which this tribal council shall be selected, and so forth.

Paragraph No. 7 reads:

The Indians of the said six superintendencies, after not less than 10 days' notice and at the time and place designated by the commissioner of the Navajo Tribe—

That was Mr. Hagerman at this time—

shall meet for the purpose of electing the principal delegates and alternates as herein specified.

Paragraph No. 8 reads:

In the event that the Indians of any superintendency shall fail or neglect, at the time specified, to elect any delegate or alternate delegate as herein provided, then the Secretary of the Interior shall appoint such delegate or alternate delegate for the Indians of such superintendency, and such delegate and alternate delegate so appointed by the Secretary of the Interior shall be admitted into all meetings of the tribal council and be a member of said tribal council until such time as the Indians of such superintendency shall regularly elect such delegate and alternate delegate.

In other words, these regulations provided that if these various bands of Navajo Indians did not, within 10 days after the notice was given them, elect their delegates to their tribal council, then the Secretary of the Interior would appoint delegates who would be members of the tribal council. Of course, that is nothing unusual in the management of Indian affairs; and yet the result is that that Navajo Council was to be absolutely under the control and domination of the Indian Bureau, with Mr. Hagerman out there as special commissioner in charge of it; and that was not controverted, either, in the hearings, because the regulations bear it out, and also afterwards, as I shall refer to later, resolutions adopted by the tribal council.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. Yes; I am glad to yield.

Mr. KING. I ask the Senator whether or not the Navajos, like all other tribes, for many, many years, perhaps going back to the time when America was discovered, had their own councils, and whether or not the Navajos at the time of the promulgation of these regulations had councils of their own choosing?

Mr. FRAZIER. Mr. President, it is my understanding that they did have tribal councils, and had had from time immemorial.

THE NEW COUNCIL BUREAU CONTROLLED

Mr. KING. I ask the Senator another question: Was not this a scheme for the purpose of crushing or destroying or rendering moribund the council of their own choice, the one with which they had dealt for a century or more, so far as we know, and to supplant it by one that would be dictated, that would be named directly or indirectly by the Interior Department and be under the thumb of the Interior Department and Mr. Hagerman?

Mr. FRAZIER. I think that statement is correct.

* * * * * * * *

I was going to say that testimony was introduced to show that these various tribes of the Navajos elected their own delegates. Of course, I suppose they understood that unless they did elect their delegates within the 10 days' time they would be appointed anyway, so that they might as well elect some one, and they elected their delegates and alternates.

Paragraphs 17 to 22 of the same regulations read as follows:

17. The tribal council shall meet at such time and place as may be designated by the commissioner of the Navajo Tribe after the notice in writing for the consideration of such matters as may be brought before it.

18. At the request of five members of the tribal council, such commissioner for the Navajo Tribe may, in his discretion, convene the council for the consideration of such matters as may be brought before it.

19. No meeting of the tribal council shall be had without the presence of the commissioner for the Navajo Tribe, and such officer shall see to it that the action of the tribal council as finally voiced on matters brought before it are properly made of record.

20. The Secretary of the Interior reserves the right to remove any member of the tribal council upon proper cause shown and to require the election or appointment of some other delegate to take the place of the member so removed.

21. There shall be appointed by the commissioner of the Navajo Tribe a secretary, whose duty it shall be to keep a record of the proceedings of such meetings. A certified copy of the record of the proceedings of all council meetings shall be forwarded to the Commissioner of Indian Affairs at Washington, D. C.

22. The commissioner of the Navajo Tribe shall keep the original record of the proceedings of the tribal council meetings in his office.

Mr. President, these regulations not only provided that the Indians must elect the members of their tribal council within 10 days or they would be appointed by the Secretary of the Interior, but they provided that their meetings should be called by the commissioner in charge out there. They provided that no tribal council should meet unless the commissioner was present.

I mention these things to show that this Navajo tribal council which was organized there, started by Secretary Fall, was a bureau organization. There is no denying that; no one can deny it, as I see it, because of the way the regulation which provided for that council was promulgated.

On July 7, 1923, the tribal council had been elected and they had a meeting. They adopted resolutions, some of which are rather interesting.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. Was Mr. Hagerman, or some other representative of the bureau, there, and if so, what part did he take in the proceedings?

Mr. FRAZIER. I do not know what part they took, but as I read the regulations the Indians are forbidden to have a council meeting unless the commissioner is there, and the commissioner was Mr. Hagerman at that time.

The resolutions of the Navajo Tribal Council are as follows:

RESOLUTION OF THE NAVAJO TRIBAL COUNCIL

Whereas oil has been discovered on the eastern part of the Navajo Treaty Reservation in the State of New Mexico, many applications have been filed for leases on tracts adjacent thereto and on other parts of the reservation, and it is necessary that some plan of letting mining privileges be adopted that will protect the interests of the Navajo Indians;

Whereas under the proviso of section 3 of the act of February 28, 1891 (26 Stat. 795), lands within the Navajo Treaty Reservation may be leased for mining purposes by authority of the council speaking for the Indians;

They had a council at that time. They were not functioning as the Secretary of the Interior and the department wanted them to function, and so they organized a new council, a bureau council. I continue reading:

Now therefore be it resolved by the duly elected members of the Navajo Tribal Council, speaking for the Navajo Indians, this 7th day of July, 1923, that the Department of the Interior be authorized to lease tracts of tribal land for oil and gas mining purposes as follows:

Of course, no one thinks that the tribal council drew up these resolutions. Oh, no; even Commissioner Hagerman did not claim that, but he did say that the matter had been discussed with the Indians through the interpreters, and they understood what these resolutions were; and that is undoubtedly the case. The first proviso was:

1. That the commissioner to the Navajo Tribe be authorized to sign on behalf of the Navajo Indians all oil and gas mining leases which may be granted covering tracts on the treaty part of the reservation.

The commissioner was to do everything for the Navajo Indians. He organized their tribal council, and would not let them meet unless he was present. That is, the department would not. And now they give him power of attorney to sign all their contracts for them.

* * * * * * * *

Wednesday, February 18 (legislative day of Tuesday, February 17), 1931

A LETTER FROM JOHN COLLIER, SECRETARY OF THE AMERICAN INDIAN DEFENSE ASSOCIATION

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a letter addressed to me by Mr. John Collier, as secretary of the American Indian Defense Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 15, 1931.*

Hon. LYNN J. FRAZIER,
Senate Office Building, Washington, D. C.

DEAR SENATOR FRAZIER: I ask that you place in the RECORD a statement by the magazine Time, published February 16 last, and a correction of its extreme and necessarily deliberate misstatements. The article in question deals with the Herbert J. Hagerman case. The statement by Time is as follows:

"Hearings at Washington disclosed that one John Collier, earnest agitating executive of the American Indian Defense Association, had erred in informing the Senator. Members of the rival Associations on Indian Affairs showed that no official shared Mr. Hagerman's many duties; that his tribal councils were beginning to produce results; that the 'deal' was a $1,000 sale at public auction of a lease which geologists had declared practically worthless, and which the buyer, one E. S. Munz, thought so little of that he divided it among his creditors in a poker game before—very much later—he sold it for $1,000,000."

I ask that the above statement, with the reply to it, be placed in the RECORD because it is representative of the propaganda on behalf of the accused official, Mr. Hagerman, waged in many publications and even by the Senate of the State of New Mexico.

SOURCE OF SENATOR FRAZIER'S FACTS

First. Senator FRAZIER derived his information from the Indian Bureau's official records which had been in the Senate committee's files for a number of years; from the letter written by President Roosevelt in demanding Mr. Hagerman's resignation as Governor of the Territory of New Mexico; and from recent written statements by the Commissioner of Indian Affairs, Mr. Rhoads. No part of his information or of his charges rested on my personal testimony.

Second. My own charges against Mr. Hagerman, which went beyond Senator FRAZIER's charges, were made under oath on the first day of the Senate hearings. They were in every case supported by documents of record whose authenticity was not disputed; and they were in part admitted by Mr. Hagerman to be true, in part denied through general denials without supporting documents, and in part virtually admitted to be true through absence of any denial whatsoever by Mr. Hagerman, Mr. Rhoads, or any of Mr. Hagerman's friends.

THE $1,000 RATTLESNAKE SALE

Third. With respect to the Rattlesnake structure, Mr. Hagerman testified that the geological reports had been unfavorable. Representatives of the Eastern Association on Indian Affairs similarly testified. Mr. Hagerman and his defenders produced no geological report in evidence of their assertion. I established, and was not contradicted, that the geological identity of the Rattlesnake structure, on which wells had not been drilled, and the Hogback structure, on which wells had been successfully drilled prior to 1923, had been fully established in 1917 by a published report of the Geological Survey. Senator FRAZIER on the Senate floor read a report recovered out of the Indian Bureau's files, made by the United States Bureau of Mines, antedating the sale of the Rattlesnake structure, which report again treated the Rattlesnake and Hogback structures as geologically identical, and which stated that the Rattlesnake structure was just as good as the Hogback structure. This Bureau of Mines report revealed that oil in large quantity, of the highest known grade, had been developed on the Hogback lease September 25, 1923; and the Rattlesnake structure was sold October 15, 1923. Mr. Hagerman represented the Interior Department and Indian Bureau and held power of attorney from the Navajo Tribal Council. He knew the facts of geological record and acted culpably, or he did not know them and acted with reckless incompetence. There was no compulsion, legal or implied, resting on Mr. Hagerman to sell the Rattlesnake structure for $1,000. I established that Mr. Hagerman placed the structure on the market at a time of extreme overproduction and depression of oil values and under lease terms which, under those circumstances, excluded from competition all save the big oil companies or speculators prepared to resell to the big oil companies; and that even so, his action in disposing of the lease for $1,000 was gratuitous, not requisite under law, contract, or comity. I established that the Rattlesnake Dome contained 4,080 acres, that this semiproven field was sold for less than 25 cents an acre by Mr. Hagerman to be resold at more than 1,000 per cent profit. Mr. Hagerman and all his witnesses admitted that the Rattlesnake structure had been sold for more than a million dollars by its purchaser, who gave the Indian tribe $1,000 for what he bought.

FALL AND HAGERMAN COERCED THE NAVAJOS

Fourth. I established, through reading Albert B. Fall and Hubert Work regulations governing the Navajo Tribal Council, that the Navajo Tribe had been forced to organize this council in 1923; and that the tribe was by regulation prohibited from meeting except in the presence of Mr. Hagerman and on his call. Mr. Hagerman, under oath, admitted that the Navajo Tribal Council was called by him and, in fact, did meet only once a year.

THE 37 1/2 PER CENT ROYALTY BETRAYAL

Fifth. I charged that Mr. Hagerman, holding power of attorney from the Navajo Tribal Council, indorsed the Indian oil bill of 1924 and 1926, which bill would have donated to the States 37½

per cent of the oil royalties derived by the Navajo Tribe and all other tribes from executive order reservations, and which in addition would have exempted the oil companies from paying taxes, the tribes' surrender of 37½ per cent of their royalties being extorted "in lieu of taxes" including the taxes normally paid by the oil exploiters. I charged that Mr. Hagerman quoted the Navajo Tribe as being willing to surrender 37½ per cent or even 50 per cent of their royalties from oil to the States. I charged that he had thus testified without authority from the tribe or even from the Hagerman controlled tribal council.

Mr. Hagerman admitted under oath that he had done what I charged him with doing, and further that he had never submitted to the Navajo Tribal Council a copy of the Indian oil bill, whose effect upon their well-being would have been controlling and disastrous.

ABUSES FLOURISHED UNDER HAGERMAN

Sixth. I charged that under Mr. Hagerman's superintendency over the Navajo Reservation, abuses of grave and sensational nature had flourished. My charges were specific. Mr. Hagerman and his friends attempted no disproof but ignored the charges.

THE ASSAULT AGAINST PUEBLO SELF-GOVERNMENT

Seventh. I asserted, and proved by numerous documents of record, that the Pueblo tribes had for centuries possessed traditional governments and had been self-organized since 1922 into an intertribal council of all the New Mexico Pueblos. I then charged that in 1926 Mr. Hagerman had attempted to organize by Interior Department fiat a so-called United States Pueblo Council, to meet only on Indian Bureau call and under Indian Bureau auspices, which council, I asserted, had never been successfully organized and had finally been abandoned after 1928. I charged that, nevertheless, the Indian Bureau was carrying in its budget $300 a year, segregated against the Northern Pueblo fund, for the expenses of this nonexistent and fictitious bureau council. I further charged that Mr. Hagerman had made this attempt against the Pueblo self-government while sitting as a judge on the Pueblo lands board, before which the Pueblos were compelled to appear in the contests affecting their titles and their compensation from the Government for lands lost. I further charged that in 1930 Mr. Hagerman had sponsored a bill known as the Simms bill, which would have subjected the Pueblos to a complete domination by the Indian Bureau, by establishing that all Pueblo self-government should be conducted according to Indian Bureau rules and regulations, regardless of tribal wishes or past actions of Congress and of the Supreme Court. These charges were substantiated in full, as will appear from the printed record of the hearings.

THE PUEBLO COMPENSATION AWARDS SLASHED

Eighth. I charged that Mr. Hagerman, sitting as a member of the Pueblo lands board, had been chiefly responsible for actions by the lands board which had reduced by more than one-half the compensation legally due the Pueblos for lands that had been lost to them through governmental actions. I charged and proved by court records that in thus slashing Pueblo compensation Mr. Hagerman, and the lands board concurring with him, had ignored the reports of the board's own appraisers, who had appraised the value of the lands less improvements. I charged, as did Judge Richard H. Hanna, attorney for the Indians, and Mr. Dudley Cornell, that the Pueblo lands board, though sitting as a court, had not conducted its trials on the compensation matters in open court but by star chamber methods, and no responsive denial was attempted by Mr. Hagerman or his witnesses. I charged that in the case of thousands of acres of lands lost through Government negligence no compensation award whatever had been decreed by the lands board. I established from Mr. Hagerman's own testimony under oath before the Federal district court that he, Mr. Hagerman, had in fact been the member of the board primarily responsible for this injury to the tribes. I established that thereafter he had appeared in the Federal court as a witness against the Indians, contesting their claim for increased compensation as due under the Pueblo lands act. My entire charge rested on documents and was not disproved in any particular by Mr. Hagerman or even denied in any significant particular by him or his witnesses.

HAGERMAN'S WORK AS A DUPLICATION

Ninth. I charged that Mr. Hagerman's appointment did in fact duplicate the work of numerous existing and presumptively competent officials of the Indian Bureau already at work. I proved that his district is already taken care of by a local superintendent for each jurisdiction, district supervisors of agriculture and industry, a district supervisor of health, district supervisors of schools, a district supervisor of irrigation and reclamation, an inspectorial force working from the Washington headquarters out. It was established by other witnesses that even the handling of oil leases had been taken care of by the local superintendents until Mr. Hagerman had been appointed by Commissioner Burke under Secretary Fall to supersede them. It was established that the work of negotiating land adjustments on the Navajo Reservation had been continuously carried forward by the local superintendents of that reservation. It was in fact established, through documents and under oath at the hearings, that Mr. Hagerman's work was, except his work on the Pueblo lands board, a duplication of existing functions already performed by existing functionaries.

NAVAJO LEGAL RIGHT ABOUT TO BE DESTROYED

Tenth. Finally I charged that Commissioner Hagerman was promoting legislation to annul the right of the Navajo Indians to be allotted on the public domain where they are resident. This nullification of a right possessed under existing law is, as I proved, possible because through the years since 1923, while Mr. Hagerman has been superintendent of the Navajo Reservation, the Indian Office has neglected to perform its duty of issuing the papers which would give these Indians, 4,500 in number, a secure title. And Mr. Hagerman admitted under oath that he had never submitted to the Navajo tribal council either the pending bill or the policy of abrogating the legal right of the Navajos.

FIFTY-TWO SENATE AMENDMENTS SACRIFICED

The accuracy of each statement made above will be borne out by a reading of the printed hearings and of the Senate debates dealing with the Hagerman matter. The Senate amendment shutting Mr. Hagerman off from the Government pay roll was lost along with 52 other Senate amendments to the appropriation bill affecting Indians, because of the pressure to enact the $20,000,000 food-relief clause in the bill, and because of the refusal of Representative CRAMTON, a lame duck, chairman of the House Committee on Interior Department Appropriations, to yield in conference.

The proved charges against Mr. Hagerman, already established as here indicated, would suffice to remove him from office if the Commissioner of Indian Affairs were willing to be guided by facts demonstrated, undisputed, and in large measure admitted by the accused subordinate. More facts will be developed as the investigation of Mr. Hagerman proceeds.

THE MENACE TO INDIANS IN FOUR STATES

I made the inclusive charge that Mr. Hagerman's new appointment, as commissioner over the whole Indian population of Arizona, New Mexico, Colorado, and Utah, was a reactionary step, menacing to the self-government and property of all these tribes and disheartening to many faithful Indian Service men and women who are now placed under a man whose record is that of a whittler-down of Indian rights to meet the political demands of States which hold the Indians disfranchised. The States which disfranchise the Indians are Arizona and New Mexico. My inclusive charge was, of course, not subject to categorical proof.

EXAGGERATED IMPORTANCE GIVEN TO ONE WITNESS

I should state that my own importance in this investigation has been grossly exaggerated by the propagandists for Mr. Hagerman. While believing that the charges against Mr. Hagerman were true and were grave, I did not initiate them; and while the case has now been established, it was not established by me but by the documents of record. When in this letter the words "I charged" are used, they should read "The records charged." The records proved. I, as a witness, was hardly more than the librarian who had assembled the records.

Respectfully,

JOHN COLLIER,
Executive Secretary,
American Indian Defense Association (Inc.).

* * * * * * * *

PROOF OF PERJURY BY HAGERMAN

Mr. FRAZIER. During our hearing there came to the subcommittee a franked envelope from the "United States Department of the Interior, Office of Indian Affairs, Washington, D. C., official business," postmarked at Washington. It contained a page of the New York Times with the article I have previously referred to by Mr. La Forge, and was supposed to have been sent from some one in the Indian Bureau. The Senator from Montana [Mr. WHEELER] called this to the attention of the commissioner and Mr. Hagerman in this language:

Senator WHEELER. It has been called to my attention, Mr. Hagerman, or Mr. Commissioner, that you have sent out some copies of this story that appeared in the New York Times. Did you send out many of them?

Mr. HAGERMAN. Which story do you refer to?

Senator WHEELER. The story by La Farge.

Mr. HAGERMAN. Not a single one; no, sir.

Senator WHEELER. Not a single one?

Mr. RHOADS. Nor did I.

Senator WHEELER. Well, one was received under Government frank.

Mr. RHOADS. Can you tell where it was sent from?

Senator WHEELER. It was sent from Washington. [Exhibiting envelope and newspaper clipping.]

Mr. RHOADS. Was it sent from the Interior Department?

Senator WHEELER. Yes.

Mr. RHOADS. Was there any indication who it was sent by?

Senator WHEELER. I think so, but I will not press it if there was only one sent.

Senator FRAZIER. The envelope is marked "Washington—January 28—9 p. m.—1931."

Mr. HAGERMAN. I repeat, I did not send out a single one.

Mr. RHOADS. Nor did I, and I certainly never sent one out under Government frank.

Mr. La Farge also denied sending any out.

Later on, a telegram was received from the man who received this letter at Albuquerque, N. Mex., stating that the Senator from Montana was privileged to use the envelope and the letter, and so forth, if he desired to do so. It developed that this franked envelope, in addition to the statement from the New York Times, contained a letter in longhand, with the words printed at the top of the letter:

Department of the Interior, Office of Indian Affairs, Washington. Office of the Assistant Commissioner.

The letter was under date of January 28, 1931. The letter is written to the editor of a paper out there at Albuquerque, and reads:

I thank your paper very much for the nice editorial that you had when Frazier went after me in the Senate. It was very kind of you, and so many people in New Mexico and elsewhere, to come to my defense. I inclose to-day's editorial page of the New York Times with a letter from Oliver La Farge which you may not have seen.

Will be back next week and see you.

Sincerely yours,

H. J. HAGERMAN.

The address, I may say, is written in longhand, too, and looks very similar to the writing of the letter. According to this telegram, the letter was sent out by Mr. Hagerman to this editor; but he denies sending it out. This is a trifling thing, Mr. President, and does not amount to anything. A representative of the Government, of course, is privileged to use a franked envelope, and I suppose is privileged to put in a clipping from a newspaper, too. I have stated here several times, however, how Mr. Hagerman was so particular that every one make exact statements of the facts, and how he denied some things that he afterwards had to admit he was wrong in denying; yet he makes the statement that he did not send out a single one of these statements in a franked envelope or in any other way, although we have the evidence that he did in the form of the franked envelope with the name of this editor in longhand, and the letter in longhand signed by Mr. Hagerman. I do not know why he perjured himself.

THE CHARGES SUPPORTED

I think the statements I made when this amendment was offered here and adopted by the Senate to strike out Mr. Hagerman's salary were substantially correct, with the single exception of the statement in regard to Mr. Roosevelt firing him from office as soon as Roosevelt went into office. That was incorrect, as I stated before, because he was appointed by Roosevelt and fired a little over a year after his appointment, or forced to resign, at least, which amounts to the same thing.

The Rattlesnake oil lease was sold for $1,000, and resold again. Whether or not Mr. Hagerman was to blame for that I am not in position to say. Whether or not there was any crooked work about it I am not in position to say, and I never have charged that there was crooked work; but I do say, and I repeat, that it seems to me Mr. Hagerman was derelict in his duty in the interest of those Indians in selling 4,080 acres of what might be termed a semiproven oil field for less than 25 cents an acre, when, according to all the evidence, the price of crude oil was very, very low on account of overproduction. I think, too, that Mr. Hagerman was derelict in his duty in looking after the welfare of the Indians down there because of the scandals that have gone on from time to time during the time he has been commissioner to those Indians.

I think, also, that my statement that Mr. Hagerman was a political "fixer" is correct. As I stated, he is also president of the New Mexico Taxpayers' Association, which, of course, is a political organization. He also admitted that he was president of some cattle company. I do not suppose that amounts to anything, but it developed that he was president of a cattle company also.

It seems to me that whether Mr. Hagerman was to blame for conditions down there, or whether he simply carried out the instructions of the Indian Office, makes but little difference. The bad conditions have existed all the time he has been commissioner to those Indians, and still exist in many instances, at least. He was very particular to call attention to any misstatement that Mr. Collier might make, or anyone else, and yet he denied sending out this franked envelope containing the letter and also the clipping.

I do not know whether there is any need for me to say any more. I realize the fact that this conference report will undoubtedly be adopted. I believe it should go back to the conferees for further consideration. As I stated before, it does not seem like a fair representation on the part of the conferees of the Senate on this measure when they receded from 119 amendments, the House receded from only 16 amendments, and they compromised on 10.

Some of these amendments are of great importance to the Indians at least. The amendment that the Senator from Oklahoma [Mr. THOMAS] spoke about is of great importance. The amendment that I offered and that was adopted on this particular matter of cutting out the salary of a man who, in my estimation, is duplicating the work of others in the Interior Department, is a very important amendment. As I pointed out, there is a superintendent on each one of those agencies; there is a health officer, and an overseer of the farmers, and an educational overseer, and also men sent out from the department.

The money by which Mr. Hagerman is paid comes out of a fund known as the Northern Pueblo Fund. It is true that it is a gratuity appropriation; and yet, as was pointed out in our hearings, if there ever comes a time when the Indians go into the Court of Claims to establish any claim against the Government, as it is quite likely they will, the money that the Government has expended in the running of their agency will be deducted from any judgment they might get against the Government as a set-off against the Indians. So it seems to me that this amendment should stay in the bill; and when the pending motion of the Senator from Oklahoma comes up for a vote I am frank to say that I shall vote to send the conference report back to the conferees.

* * * * * * * *

February 14, 1931

WHY THE SENATE YIELDED

Mr. THOMAS of Oklahoma. Mr. President, I shall take but a few minutes.

On yesterday I entered a motion to refer this conference report back to the Senate conferees with instructions to insist on Senate amendment numbered 64. Amendment numbered 64 struck from the bill the sum of $51,000 which was by the bill proposed to be taken from the trust funds of the Kiowa, Comanche, and Apache Indians to be used for purposes contrary to the express provisions of the law creating such fund.

On every former occasion the Senate has sustained the position which I stood for on yesterday. I am assured now by numerous Senators that if this were a straight, unencumbered issue, they would stand by that position upon this occasion. In order to simplify the issue I am now making this statement.

I feel that all has been accomplished that can be accomplished by taking time upon the floor at this time. I do not wish to force the friends of the Indians to vote upon an issue under the parlimentary status here now impossible and which might be misconstrued throughout the country.

Knowing somewhat of the procedure here, and realizing the impossible barriers which confront me in urging the pending motion, I think it the part of wisdom, if not of valor, to withdraw the motion. I do this conscious that by so doing I am seemingly agreeing to the robbery by Congress of 4,000 citizens of my State, but I am convinced that any further insistence and fight would not prevent this unjustified, unjustifiable, and unconscionable perversion of simple justice.

Mr. SHIPSTEAD. Mr. President, I desire to express to the Senator from Oklahoma my personal gratification on the battle he has fought on behalf of the Indians. He has fought it against great odds, and I do not want him to leave this fight without knowing that he has the gratitude of the people of my State.

* * * * * * * *

41176—7199

"A CRUEL AND PITILESS MASTER"

Mr. KING. Mr. President, if I vote for the conference report, I shall do so most reluctantly. This report should be sent back to conference in order that some of the wrongs which it seeks to perpetuate might be corrected. Complaints have frequently been made in this body, when conference reports have been presented, that the conferees disregarded the views of the Senate. I have often thought that the Senate conferees did not sufficiently insist upon carrying out the will of the Senate; and it has almost become proverbial that when a controversy arises between the House and the Senate the latter yields and the House is crowned with victory.

When this bill was before the Senate not long ago a large number of proper and just amendments were adopted. Many of them were adopted only after they had been fully considered. The bill, as it comes back to the Senate from the hands of the conferees, is shorn of nearly every amendment which was adopted when the bill was in the Senate. This is particularly true of the amendments offered to that part of the bill dealing with Indian affairs. Senators will recall that for days the provisions relating to the Indians were discussed, and the amendments offered were adopted after prolonged debate. No explanation is given as to the reason for the rejection by the conferees of these amendments. Apparently the wishes of the Senate were wholly disregarded and, indeed, treated with contumely.

Mr. President, I am unable to understand why the conferees rejected the scores of amendments offered to the Indian appropriation provisions of the bill. Perhaps I should qualify this statement. The Indian Bureau was opposed to these amendments because some of them tended to diminish its power and to curtail its expenditures. That bureau has become so powerful that its demands are acceded to by the National Legislature, and its policies, defective and too often unwise and unjust, receive legislative approval.

Mr. President, a number of investigations have been made of the Indian Bureau and the treatment accorded to the Indians by that Federal organization as well as by the Government. These investigations have proven that the Indians have been robbed and subjected to the most bitter and inhuman treatment. No one can defend the course pursued by the Government toward these helpless wards. Scores of treaties have been made with them only to be violated. Solemn promises upon which they relied have been broken, and the Indian has beheld the ruthless march of the white man over his territory, and I might say over his prostrate form. The Indian Bureau, which should have been a wise and just guardian, has been a cruel and pitiless master, and under its rule the Indians have been subjected to cruel and heartless treatment. Possessed, as the Indians are, of capacity for progress and development, policies have been adopted respecting them which have been insuperable obstacles to their development.

Illuminating speeches have been delivered by the Senator from Oklahoma [Mr. THOMAS] and the Senator from North Dakota [Mr. FRAZIER] during the consideration of the pending bill and upon this conference report, portraying some of the injustices which the Indians have suffered at the hands of the Government, the Indian Bureau, and the white man. Under a resolution of the Senate calling for a comprehensive investigation of the Indian question a committee was appointed of which the Senator from North Dakota was chairman. Pursuant to authority conferred upon it, the committee conducted investigations, not only in Washington but upon many reservations, and obtained the testimony of witnesses, which confirms the charges which I have made, and constitutes an indictment of the Indian Bureau and the Government, to which a plea of not guilty may not honestly be offered.

COMPLETE REORGANIZATION NEEDED

It is time, Mr. President, that fundamental changes be made in the laws dealing with the Indians; that new policies be adopted; that a program be followed that will promote the welfare of the Indians and protect not only their persons and lives but also their property. Under present policies their property is being dissipated and their health impaired.

Mr. President, if the life of this Congress were four or five months instead of only two remaining weeks I would plead with the Senate to reject the conference report and send the bill back to conference, instructing the conferees on the part of the Senate to insist upon the amendments adopted by the Senate and incorporated in the bill. Indeed, I should avail myself of all parliamentary weapons to prevent the passage of this bill until many of its provisions were changed. But it is regarded as imperative, because of the situation, that the bill receive Executive approval at as early a date as practicable. Because of this situation I did not object to a limitation of debate to vote upon the conference report at 2 o'clock to-day. With the limited time which is at my disposal I can not take up the various amendments adopted by the Senate and rejected by the conferees nor enter into a discussion of the Indian question. When the bill was before the Senate I discussed some angles of the Indian problem and a number of questions growing out of provisions found in the bill. When the deficiency appropriation bill is before the Senate I may take the opportunity of discussing somewhat in detail some of the questions involved in the Indian problem.

May I say that there would be no Indian problem if the United States had done its duty to the Indians, and the problem—serious and important as it now is—would lose much of its seriousness and complexity if the Government, even at this late date, should make fundamental changes in the bureaucratic methods which now prevail in dealing with the Indians and uproot many of the policies and practices of the present Indian Bureau. What is needed is a drastic revision of the Federal statutes relating to the Indians, and material, and, indeed, drastic changes in the Indian Bureau. The dead timber must be cut away; red tape must be abolished; many changes made in the personnel, and policies adopted calling for cooperation between the Government and the Indians, and which will result in their protection, development, and civilization.

I repeat, there must be fundamental changes in the system under which the Government and the Indian Bureau operate. May I say, Mr. President, that the recommendations which have been made from time to time for changes and reforms have encountered the open and secret hostility of the Indian Bureau. It has resisted investigations and has refused to carry out policies that would have redounded to the advantage and welfare of the Indians.

A few years ago the House of Representatives named a commission, known as the Snyder Commission, to study the various phases of the Indian question. Months were spent by this commission in executing the commission given it by the House. It discovered abuses and wrongs and injustices which bore heavily upon the Indians. Recommendations calculated to rectify some of the wrongs and to effectuate some important reforms were made, but its recommendations were flouted and the condition of the Indians, in my opinion, is worse now than it was when the Snyder Commission made its report. The Frazier committee has pointed out reforms which were imperatively required and changes in the policy of the Indian Bureau and the Government, but their recommendations have been treated with contempt by the Indian Bureau. It was hoped when recent changes were made in the personnel of the Indian Bureau that more humane and progressive and rational policies would be adopted. Those who were expecting changes for the better and in the interest of the Indians find no basis, in my opinion, for such hopes. As I view the situation, the Indian Bureau is as reactionary as at any time in the past, and is as bitterly opposed to proper reforms as were preceding administrations.

The bureau's demands are usually for larger appropriations and for more employees, and the present administration in that regard is following in the paths of preceding administrations. The present Indian Commissioner and his assistant are seeking under the bill which is now before us appropriations far in excess of appropriations ever made in behalf of the Indians; and a careful examination of the purposes for which the appropriations are to be used demonstrate that the interests of the Indians are not better conserved, and certainly their funds are materially depleted. It is only a few years ago that the total Indian appropriations were less than $10,000,000. In 1923 they were $10,425,000; but the present bill which, of course, the Indian Bureau is responsible for, demands more than $28,000,000. I make the prediction now that the present bureau officials in the next Indian appropriation bill will demand more than $30,000,000.

MILLIONS SQUANDERED AND TO BE SQUANDERED

Millions are being squandered on irrigation projects, some of which have been condemned by engineers appointed by the Interior Department to examine them, and some of which it was recommended should be abandoned. Projects were adopted by the Indian Bureau where it was palpable they would fail and where it was certain they would prove of no advantage to the Indians.

In a number of places projects were started where the climatic conditions were such as to make it certain that failure was inevitable. No one can read the Preston-Engle report without reaching the conclusion that millions have been wasted and millions more will be wasted in impracticable Indian projects. Senators may recall that in 1928, Secretary Work named a commission consisting of engineers to make a survey of these so-called Indian projects upon Indian reservations. After an exhaustive survey a report was submitted—known as the Preston-Engle report—which condemned, as I have stated, a number of these projects and revealed that the Indians were receiving little, if any, benefit from any of them. Already more than $42,000,000 have been expended upon these projects, and the bureau reports that more than $28,000,000 will be required to complete them. The total acreage irrigated by the Indians is only 113,000, being less than the area irrigated in 1924. Although $13,700,000 was expended between 1924 and 1929 the estimated cost to complete them has not been reduced, but increased to the extent of more than $3,270,000. The net cost to the Government and the net reimbursable amount to be met by the Indians and the settlers for each irrigated acre has increased from $87 in 1924 to $118 in 1929.

Mr. President, the lands allotted to the Indians under most of these irrigation projects will soon be lost to them and pass into the ownership of white settlers. I repeat, these irrigation projects are draining the tribal funds of the Indians, and also making heavy demands upon the Treasury of the United States. I make the prediction that the Indians will lose tens of millions of dollars, and the losses of the Government in these projects will be fully as great. My information is that the Indians had in the Treasury of the United States a few years ago funds amounting to more than $40,000,000. But up to the present time there is to their credit in the Treasury less than $25,000,000. As I have stated, their allotments are passing from them; their lands are being reduced in area, their tribal funds are being depleted, their resources are being attacked and under the present policies of the Indian Bureau and the Government, within 25 years most of the Indians will be landless and homeless and without any means of support. Though for 140 years they have been the wards of the Government they have not received the training necessary to prepare them to care for themselves and for their families. Millions have been wasted by an inefficient bureaucracy, and the Government seems to have been indifferent to the wrongs which they have suffered.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. KING. I yield.

Mr. NORBECK. I have listened with a good deal of interest to the remarks of the Senator from Utah. As I understand his view, the worst feature in this bill is the way we deal with the Indians.

Mr. KING. Yes.

Mr. NORBECK. I share the Senator's views. I am perfectly willing to vote for the Arkansas compromise. I am not willing to accept all the other parts of this conference report. I feel that "our policy toward the Indian is entirely too penurious."

BUREAU HAS NO CONSTRUCTIVE POLICY

Mr. KING. Mr. President, if it were only penurious I would be less critical; if back of the policy there was any constructive plan for the development and civilization and preservation of the Indians, I should look with some hope to the future; but, in my opinion, the primary cause of the lamentable condition of the Indians is not deficiency appropriations but the unjust and cruel course pursued by the Government toward the Indians and the unsound and too often cruel policies pursued by the Indian Bureau in dealing with them. No broad, constructive policy has been inaugurated to make the Indians self-sustaining, to teach them manual pursuits, and to give them such educational advantages as would qualify them to discharge the duties of citizenship. They have been driven from their reservations and often herded into inhospitable lands. They have been driven from fertile valleys and plains and prairies into deserts and mountain fastnesses where it was almost impossible for human beings to exist. The Government has felt at various times, when they were starving and helpless and often deprived of their property and all means of support, that it was sufficient to furnish them limited rations. If the money which has been so improvidently and unwisely expended had been devoted in preparing them to be self-sustaining and in educating them for ultimate citizenship, there would be no Indian problem to-day and most of the Indians would have answered to the call and measured up to the standard required at their hands. We have oppressed and submerged them, and done, it seems to me, a thousand things to destroy their morale and to prevent them from developing the fine qualities with which they are endowed. They are God's children and have divine qualities and attributes, and have the capacity to reach a high level in the world's civilization. But we have weakened them and destroyed many.

I have reports before me showing not only the loss of property but the ravages of disease resulting from the unwise policies pursued by the Government.

Mr. President, amendments were offered to the Indian appropriation bill which have been eliminated by the conferees, which would have better conserved their interests. The Klamath Indians protested against appropriations carried in the bill, most of which were absorbed in unnecessary expenses and in meeting the salaries of a horde of employees of the Indian Bureau. The uncontradicted reports show that upon the Klamath Timber Reservation the cost of handling and selling the timber was 3 per cent of the gross receipts derived from the sale of timber. The Senate fixed the limit at 3 per cent but the conferees struck out the provision and fastened upon the Klamath Tribe the obligation to pay 8 per cent of the total amount received from such sales. It was desired by the Indians that policies should be adopted to conserve the timber, but the Indian Bureau pursues a course which means that the timber reserves upon this reservation will be exhausted within a few years.

Mr. President, the Indian Bureau is determined to coerce the Indians into the acceptance of its bureaucratic policies, and amendments adopted by the Senate looking to greater liberty upon the part of the Indians were rejected by the conferees.

* * * * * * * *

Mr. KING. Mr. President, undoubtedly the views expressed by the Senator from California are entertained by other Senators. However, I am not discussing that feature of the conference report. I am briefly calling attention to the provisions of the bill dealing with the wards of the Government, and I am protesting against the provisions of the bill which are so unfair to the Indians and which are dictated by an oppressive Indian Bureau determined to perpetuate its authority and, indeed, to increase its power. I am protesting against the action of the conferees in striking out amendments accepted by the Senate and which would afford some little relief to the Indians. I am protesting

against the inhuman and unjust policies of the Government towards the Indians; I am expressing my regret that with the change in administration there has been no change in the bureau's policies. It supports the same old officials with all their faults and mistakes; it retains in office various persons who should be removed; it keeps in authority on the Klamath Reservation an agent whom the Indians do not want and whom the Frazier committee recommended should be removed.

The bureau seeks to coerce the Pueblo Indians into accepting an organization which they do not want and which would deprive them of their own organizations which they have had perhaps for hundreds of years.

I want to make one qualification in these generalizations. Doctor Ryan, who has been placed in a position of responsibility in the bureau, is attempting reforms along educational lines. If left alone I believe his services would be valuable and most helpful to the Indians; but I predict that if he assails the bureaucratic policies he will meet with relentless opposition and will be ultimately driven from the bureau.

The boarding school system is a parasitic growth which has been harmful to the Indians, but which still exists and which I fear will continue to exist. I have before me letters and statements showing that when reforms have been suggested or that when complaints have been made against oppression and heartless bureaucratic methods by employees of the bureau, the suggestions were ignored, and the complainants either dismissed from the service or rebuked because of their temerity.

PUEBLOS AND PUEBLO LANDS

Mr. President, I perceive that the hour is at hand when a vote is to be had upon the conference report so I can not longer retain the floor. I should like to discuss the Pueblo land situation, to which reference has been made by a number of Senators, but can not do so because my time has expired. I ask unanimous consent, however, to insert a brief memorandum bearing on the procedure employed in determinating the rights of the Indians in certain Pueblo lands, prepared by Mr. John Collier, who is familiar with the Pueblo situation and who is earnestly seeking to protect the Indians and to secure for them their undoubted rights.

The VICE PRESIDENT. Without objection, it is so ordered.

The following is the matter referred to:

THE FACTS AS TO THE REPRESENTATION OF THE PUEBLOS BEFORE THE PUEBLO LANDS BOARD AND THE COURTS

I. George A. H. Fraser, special assistant to the Attorney General, is legal adviser to the Pueblo Lands Board. He is not the partisan attorney for the Indians before the board. He appears in court in the following matters exclusively.

1. When the Pueblo Lands Board decrees that land shall be recovered for the Pueblos, Fraser, for the Attorney General, prosecutes in the Federal Court a suit to quiet title, to carry out the decree of the lands board.

2. When the Indians appeal from the Pueblo Lands Board's award of compensation Mr. Fraser represents the Government in fighting against the Pueblo appeal.

Mr. Fraser in no case has conducted any appeal against the judgments of the lands board.

II. Mr. Walter Cochrane is the attorney employed by the Indian Bureau for general work among the Pueblos. He, as a technical matter, could conduct appeals from the Pueblo Lands Board in behalf of the Indians. But as a matter of record he never has conducted any such appeal.

III. The Pueblo lands act gives the Pueblos a right to appeal from the compensation awards of the lands board and it gives them a further right to bring independent suits to assert their title to lands. The attorneys furnished to the Pueblos by the American Indian Defense Association are Hanna & Wilson of Albuquerque and Barker & Fahy of Santa Fe. Likewise Mr. Dudley Cornell has assisted Judge Hanna.

Without exception, every appeal taken from the Pueblo Lands Board has been taken through these attorneys, who represent the tribes, holding authority from the tribes, though not receiving compensation from the tribes.

The appeals have been as follows:

A. Compensation appeals.

There have been four (4) appeals.

1. Nambe appeal: The district court increased the compensation awarded by approximately 30 per cent.

2. Cochiti appeal: The district court set this case for trial with only a few days' notice. The attorney handling it was Dudley Cornell, who was absent in Denver. A notice was put in the mails and did not reach Cornell until after the trial. Hence, no record was made and no appeal could be taken. Thus far a rehearing has not been granted.

3. San Juan appeal: The district court affirmed the lands board and the case is now pending on appeal before the circuit court of appeals.

4. Santa Clara appeal: The district court affirmed the lands board and the case is now on appeal before the circuit court of appeals.

B. Appeals on possession of land.

(a) Taos appeal: Taos Pueblo has appealed for the recovery of 425 irrigated acres, this appeal being a contest against the Pueblo Lands Board decree. The white settlers have stipulated the facts which include their acknowledged nonpayment of taxes prior to 1924. This case is now before the circuit court of appeals.

(b) As a result of the refusal by the Attorney General to appeal to the Supreme Court for a construction of the tax-payment provisions of the lands act and of his refusal to hold the cases open until the Supreme Court has decided the Taos case and of his action in losing the cases and passing them to final judgment against the Indians in advance of the Supreme Court's decision, which will be forthcoming, the Pueblos have now filed, through Judge Hanna, independent suits in ejectment, which are suits levelled against all of the land adversely held by whites. Unless the Pueblo land act can be amended to prevent the Government's cases passing final judgment prior to the Supreme Court action, and to extend the Pueblo's period of option in the matter of independent suits, several Pueblos will be obliged to bring these omnibus ejectment suits, with the resulting expense, inconvenience and controversy injurious to the Indians and white settlers alike.

The above are the facts of record, and no argument is contained in them.

It should be added that Mr. Hagerman was the Government witness against the Indian claims in the compensation appeals of San Juan and Santa Clara Pueblos; and that Mr. Fraser represented the Government in opposing the Indians' appeal for increased compensation.

* * * * * * * * *

February 13, 1931

PRESIDENT LINCOLN'S 19 SILVER CANES

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a statement prepared by Judson King, director of the National Popular Government League, on this particular subject.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PRESIDENT LINCOLN'S 19 SILVER-HEADED CANES

It is one of the picturesque instances of the Civil War that the Pueblo Indians of New Mexico were adherents of the Union cause and rendered important service in the vast arid area of the Southwest by furnishing shelter, protection, food, fodder, and horses to the Union scouts, messengers, and troops, for which they took no money.

It is not romancing to say that this was their contribution to the cause of human liberty. The Pueblos are peaceful agricultural Indians, who had evolved far beyond predatory savagery. They were against slavery and stood by their principles at considerable risk to themselves.

The significance of all this was not lost upon President Lincoln. In gracious recognition he presented in 1863 to the governor-chief of each pueblo—19 in all—a silver-headed cane, and accompanied it with a pledge that the land rights, liberties, religions, and customs of the Pueblo Tribes would forever be respected by the Government of the United States, and that the treaties made with them would remain inviolate. In selecting canes as a symbol of good will, President Lincoln showed singular tact. Since 1680 these pueblos, as a part of New Mexico, had been under the dominance of Spain, and it was the custom of the Spanish sovereigns to send canes as tokens of good will.

To this day these Lincoln canes have remained well-nigh sacred mementos among Pueblos. They are carefully guarded and handed down from one elected governor to another, and each as he presides over tribal councils holds the cane as his insignia of authority, exactly as our Supreme Court Justices don black robes as they go on the bench. Lincoln's name is revered among them, and it is touching frequently to find his portrait hung on the walls of their humble homes.

SECRETARY FALL'S "LEGISLATIVE VILLAINY"

Sixty years after, in 1923, national attention was directed to the fact that Lincoln's pledge had not been kept; that the Pueblos' lands—especially the irrigated lands—had been overrun by white settlers to such an extent that all tribes were suffering and some facing starvation because they had not enough acreage left to sustain them, and that Albert B. Fall, then Secretary of the Interior, with the aid of Harry M. Daugherty, Attorney General, was attempting to railroad a bill through Congress—the Bursum bill—which would confiscate the lands occupied by the whites.

The American Indian Defense Association, through the leadership of its efficient executive, Mr. John Collier, led the fight against this iniquity. The National Federation of Women's Clubs, stirred to action by Mrs. Stella Atwood, took a hand. Several scientific associations joined in, pointing out that the Pueblo civilization antedated the Egyptian pyramids and that the cultural status of these Indians was unique and of priceless value from the viewpoint of ethnology alone.

At a forum dinner of the Popular Government League in Washington, the toastmaster, the late Herbert Quick, famous novelist and economist, declared Fall's bill "a piece of legislative iniquity." The chief speaker, the distinguished author, Mrs. Mary Austin, who lives in New Mexico, made an eloquent plea for the protection of these Indians and startled her audience with such information as "Four or five thousand years before we thought of it, the Pueblo Indians had achieved a competent form of representative republican government in which there were no rich and no poor, no unprotected widows, no institutionalized orphans, no prisons, and no prostitutes."

The Bursum bill went down in disgrace—a blot upon Fall's escutcheon well-nigh equal to that of Teapot Dome.

Instead, on June 7, 1924, Congress passed the Pueblo land act, to be administered by a land board charged with the duty under specific directions of examining into each of these disputed land claims in order that justice might be done Indians and whites alike.

Spanish Americans who had acquired title to lands purchased from the Indians and which had been honestly acquired and cultivated since 1902 were to remain in possession. Indians whose lands had wrongfully been taken from them were to have the lands returned. The Government, as recompense for its negligence, agreed that each dispossessed Indian or white man should be given the value of the land he was forced to relinquish. The Government was to institute a friendly suit to establish the legal status of the board's findings.

Note here a remarkable thing. The Pueblos knew that according to the decisions of the United States Supreme Court no State title to a single acre of Pueblo land was valid and that they could have ousted every settler and reclaimed every acre of their land granted in the days of Abraham Lincoln.

But they did not do this. They held it would be an act of injustice to their neighbors, especially to the natives who had been living side by side with them for generations. They had traded back and forth, sold land back and forth, and many Spanish-Americans had a moral right to the lands they had honestly acquired in friendly fashion from the Indians. Moreover, these natives were as needy as the Indians themselves, and there was no Federal Government even theoretically looking out for them.

Hence this case was not the familiar one so common in other States of white men robbing Indians in the good old way. This view of the case was taken by Congress, by disinterested, intelligent students of the situation, and was heartily espoused by the Indians themselves and their friends.

I am unaware of a single instance in American history where our white Christians have equalled the generosity of these Pueblo Indians and failed to cash in on legal titles once in their possession. If there is one, I should like to be informed. This act is a demonstration of the innate sense of justice possessed by these Indians as significant in its ethical import as was their rejection of slavery in Lincoln's time.

WORK OF ANOTHER EXPERT COMMISSION JUNKED

For six years the Pueblo Land Board has been at work. During that time Mr. Collier's organization has furnished attorneys and legal fees for the Pueblos at a cost of over $50,000, contributed by progressive people of the Nation. In respect to the division of land, the work of the board has been fairly satisfactory. Not so as to compensation to the Indians for lands awarded to the whites, as we shall see later.

But now, incredible as it may seem, the Hoover administration, through the action of Attorney General Mitchell and Solicitor General Thacher, is attempting to ditch all this good work. If their efforts succeed the Pueblos will be reduced to as deplorable a status as they would have occupied under the iniquitous Bursum bill.

I shall not go into the technical details of this betrayal. They are set out in the inclosed leaflet, issued by the American Indian Defense Association, and are again stated in a remarkable article in The Nation of February 4, entitled "The Plight of the Pueblos," by Nathan R. Margold, an able attorney of New York City and who is legal adviser on Indian affairs to the Institute for Government Research.

I quote a few sentences from Mr. Margold's keen analysis which discloses the administration's part in this matter.

"In obedience to the provisions of the Pueblo land act, the Attorney General, on behalf of the Pueblo of Taos, brought suit in the United States District Court in New Mexico to oust the settlers whose claims to titles the board had found invalid. The district court differed with the board and adopted a construction of the act under which most of the invalid claims became or could easily be made valid. * * * The Government attorneys in charge of the case recommended that an application be made to the Supreme Court of the United States to review the case by certiorari. The papers were prepared, but five days before the expiration of the period allowed for such an application the Attorney General (Mitchell) and the Solicitor General (Thacher) summarily directed their subordinates not to file the papers. This was a bitter blow to the Indians, who are accustomed to defeat in the lower courts and final victory in the Supreme Court of the United States."

Under Mitchell's orders the cases are being rushed through the lower courts where they will all be lost or, as Mr. Margold puts it, the Indians of the different Pueblos "are being led to judicial slaughter." If the holdings of only a few persons were at stake, the situation would not probably be serious enough to challenge national attention.

This is not the case. Tens of thousands of acres are at stake which have been awarded by the land board to the Indians, and whose livelihood and well-being are imperiled if lost to them.

INDIAN DEFENSE ASSOCIATION NEEDS HELP

Notwithstanding the defection of the Department of Justice the Indians are not without means of legal redress, as described by Mr. Collier on page 4 of his pamphlet. The American Indian Defense Association, whose funds are depleted from its many other activities in several States, will be unable to meet the emergency thus thrust upon it and is in need of $10,000 for immediate legal purposes. I trust those interested in justice to the Indians will help in this crisis.

SUPERSPECIAL INDIAN COMMISSIONER HAGERMAN

After 10 years of corruption a man grows so weary in writing accounts of the irregularities—to use a modest term—of high officials in handling the property of American people or of the Indians that he is moved to apologize for calling attention to one more. It was noted above that one of the conditions on which the Pueblo Indians accepted the land act of 1924 was the pledge of Congress to reimburse them for the value of lands awarded to the natives; further, that this portion of the land board's work was unsatisfactory.

To put much in a nutshell, it appears that the amount of money, roughly, due the Indians is around $1,500,000, but the board has recommended approximately only $500,000, thus beating the Indians out of $1,000,000.

Some of Mr. Hoover's thrift items compare favorably with those of Coolidge in entirely ignoring the Nation's honor.

Bull Moosers will recall Hagerman as the governor who was summarily fired after a year in office by President Roosevelt back in 1907 for alleged irregularities, among other things, in handling a land grant. It has always been maintained, even by some fair-minded political opponents of Hagerman, that he was framed for political reasons and that Roosevelt made a gross blunder. But Hagerman's official activities in the past several years, partially brought to light in hearings before Senator FRAZIER's committee last week, seem to indicate that Roosevelt's hunting instincts were not far wrong.

It is to be noted that the man who rescued Hagerman from the political oblivion into which Roosevelt had thrust him was none other than Albert B. Fall, Harding's Secretary of the Interior, who, through his subordinate, Burke, appointed him special agent over the Navajo Reservation back in 1923, where he was empowered to make oil leases. In 1926, under the Coolidge administration, he was given an extra job on the Pueblo land board, and a year ago, under the Hoover administration, a new job was created and he was made commissioner general over Indian reservations in New Mexico, Arizona, Colorado, and Utah, where he wields tremendous power with respect to the property and welfare of one-third of the Indians of the entire United States.

STAR CHAMBER JUSTICE

It appears from the sworn testimony before the Senate's Indian Committee hearings, with Hagerman present, last week, that although the Indians and their attorneys were present at open hearings when the land board was looking into the various claims their appearances ended there and the decisions were made in secret.

The chief counsel for the Indians was Judge R. H. Hanna, of Albuquerque, former chief justice of the New Mexico Supreme Court—a man whose ability and integrity are unquestioned. Hagerman's methods were thus described in a telegram from Judge Hanna, placed in the records.

"Have no knowledge or slightest recollection of our office ever being notified of any hearing upon compensation question or awards, and we were never notified of any desire for briefs upon subject to be filed with the board. * * * It has always been practically impossible to find out anything about awards until report of board was handed down. We have always felt that board was not pursuing correct course in the secrecy preserved. * * * We have been refused information concerning appraisals until after board had reached its conclusions."

Add to this the facts established at the hearings that in fixing compensation to the Pueblos for lands awarded to the whites, the land board disregarded the reports of its own appraisers and frequently cut the awards to half the amounts recommended, and that thousands of acres were decreed out of Pueblo ownership without any compensation whatever.

A summary of the hearings reveals 10 major charges made against Mr. Hagerman under oath, which were either admitted by the gentleman and his witnesses or not controverted. There is space for but one or two more.

NAVAJO OIL LEASES

As before stated, Mr. Hagerman, by appointment of Secretary Fall, was head agent of the Navajo Tribe from 1923 to 1928. Passing over numerous abuses and scandals which occurred in this reservation during this period, which Mr. Hagerman did nothing to correct, testimony of a startling nature was introduced concerning his handling of Navajo oil lands, about which we are quite likely to hear more in the not distant future. Under regulations promulgated by Fall, a new tribal council was created, easily controllable, and this new council shortly voted Hagerman power of attorney to sign all the oil leases in the name of the Navajo Tribe.

Now there was an exceedingly valuable oil field on the reservation known as the "Hogback," which was producing oil. But

nearby was another field, the "Rattlesnake." It belonged to the same geologic formation, but there was a systematized rumor among oil men that it was of little value and Mr. Hagerman stated in his sworn testimony that the geological evidences had not been persuasive as to oil.

It appears that at what is charged to be an unfavorable time Hagerman put this "Rattlesnake" lease up for auction and sold it for $1,000. The lease shortly after resold to the Continental Oil Co., a subsidiary of Standard Oil, for over $1,000,000. In due time several enormously valuable gushers were struck on this field.

It appears further that the gentlemen who bid for the lease for $1,000 were personal friends of Mr. Hagerman, and that truth is established notwithstanding his denial that friendship had anything to do with the transaction.

DID FALL, BURKE, AND HAGERMAN KNOW?

To friends of the Indians and others there has always been a mystery surrounding this lease. Oil-field grabbers were powerful enough to be a determining factor in the nomination and election of Harding. Followed the appointment of Fall, also interested in oil, as Secretary of the Interior. Fall pulls Hagerman out of retirement and gives him dictatorial powers over the property of the Navajo Indians, on whose reservations exist valuable oil fields. Fall smashes the old tribal council, whose consent is necessary to make oil leases legal; sets up a new one dominated by Hagerman. The Rattlesnake episode follows.

Hagerman disclaims knowledge that the Rattlesnake would be productive, but presents no report of the geological survey which would substantiate his belief. The sudden discovery of oil on the Rattlesnake, which made the $1,000 lease worth $1,000,000 overnight, has always been attributed to good luck.

But within the last few days the Senate Indian Committee has unearthed from the files of the Indian Bureau, hidden there since the days of Commissioner Burke, a report by Geologist Nowels, of the Bureau of Mines, which contains unreserved statements as to bright prospects of oil to be found in the Rattlesnake field.

The document was delivered to Commissioner Burke on October 13, 1923, but the text shows that it was written somewhat earlier. It was early well known that the geological formation of the Hogback and Rattlesnake structures were identical. He recites these facts and noted the discovery of high-grade oil in large quantities on the Hogback, then under lease, and then goes on to say:

"The other structures which will be for sale, although they are in the exploratory class, are equally as good as Hogback from the standpoint of geology, with the possible exception of the beautiful mountain anticline."

The Rattlesnake field, of course, was among these "other structures." An oil well which Nowels described as "the best grade of crude oil I have ever seen," was brought in by the Midwest company on September 25, 1923, on the Hogback and started flowing at 1,250 barrels a day, but the Midwest closed the well and kept the fact a secret. On October 13 the report was delivered to Burke, and on October 15 the Rattlesnake lease was made, which quickly passed to the Continental Co.

QUESTIONS

Undoubtedly Senator FRAZIER'S Indian Committee in its investigation of Indian affairs will take steps to determine what use was made of the Bureau of Mines report completed prior to the date when the Rattlesnake structure was auctioned, and also an earlier report by the same geologist of the same tenor, but less definite. The question arises whether these reports or the substance thereof were made available to all parties, or only a favored few, and why they have been kept secret?

In probing other oil activities of Mr. Hagerman the committee will doubtless inquire how it happens that he testified before the Senate Indian Committee on March 10, 1926, that the Navajo Indian tribe were satisfied with a pending bill providing that 37½ per cent of Navajo oil royalties should be diverted to the States, when, as a matter of fact, the bill had never been presented to the Navajo council for its information or action.

They may also want to know the reasons why Mr. Hagerman established an espionage over the Navajo Indians at that time (which still exists), especially in respect to their property.

The most interesting and significant organization working for the welfare of the Indians is one established by the Indians themselves, the National Council of American Indians, with headquarters in the Bliss Building, Washington, D. C., whose president is Mrs. Gertrude Bonnin. She is a full-blood Sioux, a woman of broad culture and a wonderful orator. Mrs. Bonnin in the presence of Mr. Hagerman testified before the Senate committee last week that in 1923 she and her husband, Capt. R. T. Bonnin, secretary of the council, tried their best to communicate with the officials of the Navajo Tribe concerning this 37½ per cent robbery. No answers were received, but later she was called to the office of Indian Commissioner Burke here in Washington, who exhibited her letters and rebuked her for endeavoring to find directly from the Navajo Indians themselves what they actually wanted done about this oil lease. The letters had been intercepted and sent to Mr. Burke, all of which is in violent conflict of the freedom the American people suppose the Indians possess.

WHAT WILL PRESIDENT HOOVER DO WITH PRESIDENT LINCOLN'S CANES?

It is incidental that this bulletin is issued during Lincoln week but none the less appropriate. The Pueblo Indians, to whom he presented those canes as a token of good faith, are in dire distress. Their confidence has been abused, their faith shattered. Not only the Pueblos but most of the tribes over the Nation have received similar treatment in one way or another.

It is still possible for President Hoover to do justice to the Pueblos and other tribes. During his campaign he pledged a new day for Indians. It would be well for him to ponder over the symbolism of those Lincoln canes after he has made his radio address to-day, February 12.

41176—7199

U. S. GOVERNMENT PRINTING OFFICE: 1931